

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 495-497.)

- (b) if the owner or occupier is not found, by giving or tendering such document to any adult male member of the family, or to a servant in the employ, of the owner or occupier or of any one of the owners or occupiers; or,
- (c) if none of the means mentioned in clause (a) or clause (b) be available, by causing a notice on yellow paper, in the form prescribed in Schedule XXII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building to which the document relates.

Service how to be effected otherwise than on owner or occupier of premises.

495. When any notice, bill, summons or other document is required by this Act or by any rule or by-law made thereunder to be served upon or issued to any person otherwise than as owner or occupier of any land or building, such service or issue shall be effected—

[Cf. 1899, s. 592.]

- (a) by giving or tendering such document to such person; or,
- (b) if such person is not found, by leaving such document at his last known place of abode in Calcutta, or by giving or tendering the same to any adult male member of his family or servant in his employ; or,
- (c) if such person does not reside in Calcutta and his address elsewhere is known to the Executive Officer, by forwarding such document to him by post under cover bearing the said address; or,
- (d) if none of the means referred to in clauses (a), (b) or (c) be available, by causing a notice on yellow paper in a form prescribed in Schedule XXII, or in a form to the like effect, setting forth the substance of such document, to be affixed on some conspicuous part of the land or building (if any) to which the document relates.

Sections 493 to 495 not to apply to Magistrate's summons.

496. Nothing in sections 493, 494 and 495 shall apply to any summons issued under this Act by a Magistrate.

[1899, s. 594.]

Powers of entry.

Power to Executive Officer to enter premises to inspect, survey, etc., and to use force in certain cases.

497. (1) The Executive Officer may enter into or upon any premises, with or without assistants or workmen, in order to make any inspection, survey, measurement, valuation or inquiry, or execute any work which is authorized by this Act or by any rule or by-law made thereunder, or which, in his opinion, it is necessary for any of the purposes or in pursuance of any of the provisions of this Act or of any such rule or by-law, to make or execute;

[Cf. 1899, s. 596.]

Provided as follows:—

- (a) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(Part IX.—Chapter XXXVI.—Procedure.—Clause 498.)

(b) except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no dwelling-house, and no public building or hut which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry;

(c) notwithstanding any power to enter any premises conferred upon the Executive Officer by this Act or by any rule or by-law made thereunder, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) The Executive Officer shall not use any force for the purpose of effecting any entry under sub-section (1), unless—

[Cf. 1892, s. 473 (2), proviso.]

(i) such entry cannot otherwise be effected, and

(ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule or by-law made thereunder.

(3) Except when it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1), or by the use of any necessary force under sub-section (2).

[Cf. 1899, ss. 473 (2) and 501 (2).]

Power to Executive Officer to enter on lands adjacent to works.

498. (1) The Executive Officer may enter upon any land adjoining or within one hundred yards of any works authorized by this Act or by any rule or by-law made thereunder for the purpose of depositing upon such land any soil, gravel, sand, lime, bricks, stone or other materials, or of obtaining access to such works, or for any other purpose connected with the carrying on of such works.

[Cf. 1899, s. 596.]

(2) The Executive Officer shall, before entering upon any land under sub-section (1), give the owner and occupier (if any) three days' previous written notice of his intention to make such entry, and of the purpose thereof, and shall, if so required by the owner or occupier, set apart by sufficient fences so much of the land as may be required for the purposes mentioned in the said sub-section.

(3) The Executive Officer shall not be bound to make any payment, tender or deposit before entering upon any land under sub-section (1), but shall do as little damage as may be, and shall pay compensation to the owner and occupier (if any) of the land for such entry and for any temporary damage that may be done in consequence thereof, and shall also pay compensation to the said owner for any permanent damage resulting therefrom.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses
499-501.)

Prohibition of
obstructing entry
under section 497
or 498.

499. No person shall, in any way, obstruct the Executive Officer in making any entry under section 497 or section 498, or any municipal officer or other person accompanying the Executive Officer at his request or acting under his orders for the purpose of such entry.

Enforcement of orders to execute work, etc.

Time for com-
plying with requi-
sition or order,
and power to
Corporation to en-
force requisition
or order in default
of person directed.

500. (1) When any requisition or order is made under this Act or under any rule or by-law made thereunder, by written notice issued by the Corporation or by any municipal officer empowered under section 11 in this behalf,—

[Cf. 1899, s.
587.]

- (a) a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and
- (b) a reasonable period shall be prescribed in such notice within which any written objection thereto shall be received by the Corporation or the municipal officer issuing the notice.

(2) If, in any case not otherwise provided for in this Act or in any rule or by-law made thereunder, such requisition or order or any portion thereof is not complied with within the period prescribed under clause (a) of sub-section (1), the Executive Officer may, subject to the provisions of sections 501, 502, and 503, take such measures, or cause such work to be executed or such things to be done, as may, in his opinion, be necessary for giving due effect to the requisition or order so made;

and, unless it is in this Act or in any rule or by-law made thereunder otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(3) The Executive Officer may take any measure, execute any work or cause anything to be done under this section whether or not the person who has failed to comply with the requisition or order is liable to punishment, or has been prosecuted or sentenced to any punishment, under this Act or under any rule or by-law made thereunder for such failure.

Submission of
objections to com-
plying with
notice.

501. (1) Any person who is served with a written notice in which a period for receiving objections has been prescribed under clause (b) of section 500 may, within the said period, deliver to the Corporation or the municipal officer by whom it was issued a written objection setting forth any reasons which he may desire to urge for the withdrawal or modification of the notice.

[Cf. 1899, s.
598.]

(2) If any such objection be delivered before the expiration of the said period, the execution of the work may be postponed until the Corporation or the municipal officer by whom the notice was issued has passed orders on the objection.

(3) If the objector has stated in his written objection that he wishes to be heard in person, he shall be entitled to be so heard, and the objection shall be considered in his presence, at a time to be fixed by notice issued in this behalf by the Corporation or the municipal officer by whom the notice was issued.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses
502-505.)

Right of person
served with notice
to require estimate
of expenses of
work.

502. (1) Any person on whom a written notice referred to in section 501, sub-section (1), has been served may,—

[Cf. 1899, s. 502.]

(a) instead of delivering an objection under section 501, or

(b) at the time of delivering such an objection,

apply, within the period prescribed in clause (b) of section 500, to the Corporation or the municipal officer by whom the notice was issued for an estimate of the expenses which would be incurred if the notice were enforced under section 500, sub-section (2); and, on receipt of such an application, the Corporation or the said officer shall supply such estimate.

(2) If the Corporation or the said officer fail to supply such estimate, not more than five rupees shall be charged to the said person for any work executed by the Executive Officer by way of enforcing the said notice under section 500.

Reference
objections
of Corporation.

503. (1) If any estimate supplied under section 502 in respect of any work referred to in any written notice exceeds three hundred rupees, no work shall be executed by the Executive Officer by way of enforcing the said notice until the expiration of ten days from the date on which the estimate was so supplied.

[Cf. 1899, s. 503.]

(2) Within a period of seven days from the said date, the person on whom the notice was served may apply in writing to have his objections to the execution of the work or to the estimated cost of the work determined by the Corporation;

and, if such application be made within the said period, no work shall be executed under section 500, by way of enforcing the said notice, until the Corporation have disposed of such objections.

Recovery of expenses.

Power to Cor-
poration to accept
agreement for
payment of ex-
penses in instal-
ments.

504. Whenever under this Act or under any rule or by-law made thereunder the expenses of any work executed or of any measure taken or thing done by, or under the order of, the Corporation, any Magistrate or any municipal officer empowered under section 11 in this behalf, are payable by any person, the Corporation may, if they think fit, instead of recovering any such expenses in any other manner provided in this Act or in any rule or by-law made thereunder, take an agreement from the said person to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due; with interest thereon at the rate of six *per centum per annum*, within a period of not more than five years.

[Cf. 1899, ss. 502 (1) and 505.]

Power to Cor-
poration to
declare certain
expenses to be
improvement ex-
penses.

505. If any expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned—

[Cf. 1899, s. 505.]

(a) in section 261, section 263, section 266, sub-section (1), section 273, section 280, section 318, section 394 or section 395, clause (b), or rule 5 of Schedule XIII, or rule 7 of Schedule XVII, or

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 506-509.)

(b) in any rule or by-law made under this Act by which this section is made applicable to such expenses,

the Corporation may, if they think fit, declare such expenses to be improvement expenses.

Improvement expenses how recoverable and by whom payable.

506. (1) Improvement expenses, as declared under section 505, shall be a charge on the premises in respect of which or for the benefit of which the same have been incurred, and shall be recoverable in instalments of such amounts, not being less for any premises than twelve rupees *per annum*, and at such intervals, as will suffice to discharge such expenses, together with interest thereon at the rate of six *per centum per annum*, within such period, not exceeding thirty years, as the Corporation may in each case determine. [Cf. 1899, ss. 607 and 612.]

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged :

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner in any Court of competent jurisdiction.

Right of owner or occupier to redeem charge for improvement expenses.

507. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the Corporation such part of the said expenses as are still payable. [Cf. 1899, s. 609.]

Execution of work by occupier in default of owner, and deduction of expenses from rent.

508. Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or under any rule or by-law made thereunder, the occupier (if any) of such land or building may, with the approval of the Executive Officer, execute the said work, and he shall be entitled to recover from the owner the reasonable expenses incurred by him in so doing and may deduct the amount thereof from the rent payable by him to the owner. [Cf. 1899, s. 611.]

Relief to agents and trustees.

509. (1) Whenever any person, by reason of his— [Cf. 1899, s. 615.]

(a) receiving the rent of immovable property as agent or trustee, or

(b) being as agent or trustee the person who would receive the rent if the property were let to a tenant,

would, under this Act or under any rule or by-law made thereunder, be bound to discharge any obligation imposed thereby on the owner of the property and for the discharge of which money is required, and such person has not in his hands funds belonging or payable to the owner sufficient for the purpose,

he shall, within a reasonable time from the service upon him of any notice from the Corporation or any municipal officer empowered under section 11 in this behalf requiring him to discharge the said obligation,

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 510-513.)

be bound to apply to a Court of competent jurisdiction for leave to raise the necessary funds or for such other directions in relation thereto as the circumstances of the case may require.

(2) Any agent or trustee who fails to apply to the Court under sub-section (1) shall be deemed to be personally liable to discharge the said obligation.

Payment of compensation.

General power to Corporation to pay compensation.

510. In any case not otherwise expressly provided for in this Act or in any rule or by-law made thereunder, the Corporation may pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act, or by any such rule or by-law, in the Corporation or in any municipal officer or servant. [Cf. 1899, s. 614.]

Compensation to be paid by offenders for damage caused by them.

511. (1) Any person who has been convicted of an offence against this Act or against any rule or by-law made thereunder shall, notwithstanding any punishment to which he may have been sentenced for the said offence, be liable to pay such compensation for any damage to any property of the Corporation resulting from the said offence as the Corporation may consider reasonable. [Cf. 1899, s. 615.]

(2) In the event of dispute regarding the amount of compensation payable under sub-section (1), such amount shall, on application made to him, be determined by the Magistrate before whom the said person was convicted of the said offence; and, on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

Reference by Corporation to Small Cause Court in certain cases.

512. (1) If, when the Corporation demand payment of any expenses referred to in section 504, their right to demand the same or the amount of the demand is disputed, the Corporation shall refer the case for the determination of the Court of Small Causes having local jurisdiction. [Cf. 1899, s. 616.]

(2) The Corporation shall, pending the decision on any such reference, defer further proceedings for the recovery of the sum claimed by them, and shall, after the decision, proceed to recover only such amount (if any) as is thereby declared to be due.

Application to Small Cause Court in other cases.

513. (1) Where, in any case not provided for by section 512, the Corporation are, or any municipal officer or servant or any other person is, required by this Act or by any rule or by-law made thereunder to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined by the Court of Small Causes having local jurisdiction, on application being made to it for this purpose at any time within one year from the date when such expenses or compensation first became claimable. [Cf. 1899, s. 617.]

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 514-517.)

(2) This section shall not apply to any case which is otherwise provided for in section 413, sub-section (3), section 511, sub-section (2), or section 526, sub-section (2), or in the Land Acquisition Act, 1894, as amended by section 466 of this Act.

[1 of 1894.]

Recovery of sums ascertained under section 513 to be due.

514. If the amount of any expenses or compensation determined by a Court of Small Causes under section 513 is not paid on demand by the person liable to pay the same, it shall be recoverable as if the same were due under a decree of the said Court.

[Cf. 1899, s. 818.]

Power to persons claiming expenses or compensation to sue.

515. Any person claiming any expenses or compensation of which the amount due has been ascertained as hereinbefore provided may,—

[Cf. 1899, s. 819.]

(a) instead of proceeding in any manner hereinbefore prescribed for the recovery of such expenses or compensation, or,

(b) after having proceeded in the said manner unsuccessfully or with only partial success,

recover the said amount or the balance thereof, as the case may be, in any Court of competent jurisdiction from the person liable for the same.

Recovery of certain dues.

Recovery of certain dues by distress and sale.

516. In any case not expressly provided for in this Act or in any rule or by-law made thereunder, any sum due to the Corporation on account of any charge, costs, expenses, fees, rates or rent or on any other account under this Act or under any such rule or by-law shall be recoverable by distress and sale of the movable property of the person from whom such sum is due, in the manner provided by Chapter XVI.

[Cf. 1899, s. 620.]

Obstruction of owner by occupier.

Application to Chief Judge by owner when occupier prevents his complying with Act, etc.

517. (1) The owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of this Act or of any rule or by-law made thereunder, or with any requisition made under any such provision in respect of such land or building, apply to the Chief Judge of the Court of Small Causes of Calcutta.

[Cf. 1899, s. 632.]

(2) The Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the land or building to afford all reasonable facilities to the owner for complying with the said provision or requisition, and may also, if he thinks fit, direct that the costs of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, the said occupier shall afford all such reasonable facilities to the owner for the purpose aforesaid as may be prescribed in the said order; and, in the event of his continued refusal to do so, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 520-523.)

Provided that the said Court or the said Chief Judge may, in any case, in which it or he thinks fit so to do,—

- (i) receive an application, appeal or reference made by or on behalf of a poor person, and
- (ii) issue process on behalf of any such person,

without payment or on part payment of the fees prescribed under this section.

Repayment of half-fees on settlement before hearing.

520. Whenever any application, appeal or reference made under this Act to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, as the case may be, is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Court or the said Chief Judge to the parties by whom the same have respectively been paid.

[Cf. 1899, ss. 626 and 626.]

Power to the Chief Judge to delegate certain of his powers and to make rules

521. The Chief Judge of the Court of Small Causes of Calcutta may—

[1899, s. 627.]

- (a) delegate, either generally or specially, to any other Judge of the said Court his power to receive applications under this Act or under any rule made thereunder and to discharge any other duty in connection with such applications except the hearing and adjudication thereof; and
- (b) make rules providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act or by any rule made thereunder which is not therein specifically provided for.

Proceedings before Magistrates.

Municipal Magistrates.

522. (1) The Local Government may appoint one or more Magistrates for the trial of offences against—

[Cf. 1899, s. 628.]

- (a) this Act, and
- (b) the rules or by-laws made thereunder,

and may prescribe the times and places at which such Magistrate or Magistrates shall sit for the despatch of business.

(2) Such Magistrates shall be called Municipal Magistrates, and shall be paid such salary, pension and leave-allowances by the Local Government as may from time to time be fixed by the Local Government.

(3) The Corporation shall, out of the Municipal Fund, pay to the Local Government the amounts of the salary, pension and leave-allowances as fixed under sub-section (2), together with the cost of the establishments of the said Magistrates, and all other incidental charges in connection with such establishments.

(4) Each such Magistrate shall have jurisdiction over the whole of Calcutta.

Cognisance of offences.

523. All offences against this Act or against any rule or by-law made thereunder, whether committed in or without Calcutta, shall be cognizable by any.

[Cf. 1899, s. 629.]

(Part IX.—Chapter XXXVI.—Procedure.—Clauses
524-526.)

Magistrate having jurisdiction in Calcutta; and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed by reason only of his being—

- (a) liable to pay any municipal rate or other tax, or
- (b) benefited by the Municipal Fund to the credit of which any fine imposed by him shall be payable.

Power to Magistrate to hear case in absence of accused when summoned to appear.

524. If any person summoned to appear before a Magistrate to answer a charge of an offence against this Act or against any rule or by-law made thereunder fails to appear at the time and place mentioned in the summons, the Magistrate may, if—

[Cf. 1899, s. 680.]

- (a) service of the summons is proved to his satisfaction, and
- (b) no sufficient cause is shown for the non-appearance of such person,

hear and determine the case in his absence.

Limitation of time for prosecution.

525. (1) No person shall be liable to punishment for any offence against this Act or against any rule or by-law made thereunder, unless complaint of such offence is made before a Magistrate within three months, or, if the offence be against the provisions of section 139, within six months, next after—

[Cf. 1899, s. 681.]

- (a) the date of the commission of such offence, or,
- (b) if such date is not known or the offence is continuous in its nature, the date on which the commission or existence of such offence was first brought to the notice of the Corporation or the Executive Officer.

[Cf. Ben. Act III of 1884, s. 353.]

(2) Failure to take out a license under this Act shall be deemed, for the purposes of sub-section (1), to be a continuing offence until the expiration of the period for which the license is required to be taken out

(3) When, before the expiration of the period of limitation prescribed by sub-section (1) for a prosecution for failure to comply with a requisition made by the Corporation under sections 338, 339 or 342, a notice under section 354, sub-section (1), has been sent to the Corporation by any person to whom such requisition has been addressed, a fresh period of limitation of three months for such prosecution shall be computed from the expiration of the period of six months referred to in section 354, sub-section (3).

Complaints concerning nuisances, and procedure thereupon.

526. (1) The Corporation, or any person who resides in Calcutta, may complain to a Magistrate of the existence of any nuisance.

[Cf. 1899, s. 682.]

(2) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, by written order direct the Corporation—

- (a) to put in force any of the provisions of this Act or of the rules or by-laws made thereunder, or to take such measures as to such

(Part IX.—Chapter XXXVI.—Procedure.—Clauses 527-529.)

Magistrate may seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance ;

(b) to recover the expenses of so doing from any person specified in this behalf in such order ; and

(c) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

Power to Magistrate to direct demolition and payment of fine in respect of unlawful work.

527. When under this Act or under any rule or by-law made thereunder any person is liable, in respect of any unlawful work,—

[Cf. 1899, s. 452.]

(a) to pay a fine, and

(b) to be required to demolish the work.

a Magistrate may, in his discretion, direct the said person to pay the fine and also to demolish the work.

Legal proceedings.

Power to Corporation to institute, etc., legal proceedings and obtain legal advice.

528. The Corporation may,—

[Cf. 1899, s. 603.]

(a) institute, defend or withdraw from legal proceedings under this Act or under any rule or by-law made thereunder ;

(b) compound any offence against this Act or against any rule or by-law made thereunder which, under any enactment for the time being in force, may lawfully be compounded ;

(c) admit, compromise or withdraw any claim made under this Act or under any rule or by-law made thereunder ; and

(d) obtain such legal advice and assistance as they may from time to time think it necessary or expedient to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon the Corporation or any municipal officer or servant.

Notice, limitation and tender of amends in suit against the Corporation, etc.

529. (1) No suit shall be instituted against the Corporation or any municipal officer or servant, or any person acting under the direction of the Corporation or any municipal officer or servant in respect of any act purporting to be done under this Act or under any rule or by-law made thereunder, until the expiration of one month next after written notice has been delivered or left at the municipal office or the residence of such officer, servant or person, stating—

[Cf. 1899, s. 634.]

(a) the cause of action,

(b) the name and residence of the intending plaintiff, and

(c) the relief which he claims.

[Cf. Ben. Act V of 1911, s. 156.]

(Part IX.—Chapter XXXVI.—Procedure.—Clause
530.)

(2) Every such suit shall be commenced within three months next after the accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (1).

(3) If the Corporation or any person to whom any notice is given under sub-section (1), tender sufficient amends to the plaintiff before the suit is instituted, the suit shall be dismissed.

(4) If no such tender be made, the Corporation or such person may pay into Court such sum of money as they or he think fit, and thereupon such proceeding shall be had as in other cases in which defendants are allowed to pay money into Court.

(5) Nothing in the foregoing sub-sections shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Indemnity to
the Corporation,
etc.

530. No suit shall be maintainable against the Corporation or any municipal officer or servant, or any person acting under the direction of the Corporation or any municipal officer or servant, or of a Magistrate, in respect of anything done lawfully and in good faith and with due care and attention under this Act or under any rule or by-law made thereunder.

[Cf. 1899, s.
685.]

PART X.

CHAPTER XXXVII.

SUPPLEMENTAL PROVISIONS.

Extension of Act to Howrah and to other municipalities in the neighbourhood of Calcutta.

Power to Local Government to notify intention to extend Act to Howrah or other neighbouring municipality.

531. The Local Government may, by notification published in the *Calcutta Gazette* and in such other manner as they may determine, declare their intention to extend to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part thereof, subject to the modifications and restrictions (if any) specified in such notification, all or any portions of this Act which do not already apply thereto. [Cf. 1899, s. 641.]

Power to Local Government to extend Act after considering objections.

532. (1) The Commissioners of the Municipality of Howrah or of such other neighbouring municipality as may be specified in a notification published under section 531, or any inhabitants thereof, may, if they object to the declaration contained therein, submit their objection in writing to the Local Government within such period as may be specified in this behalf in the said notification; and the Local Government shall take such objections into consideration. [Cf. 1899, s. 641.]

(2) When the said period has expired, and the Local Government have considered the objections (if any) which have been submitted under subsection (1), the Local Government may, by notification in the *Calcutta Gazette*, extend to the Municipality of Howrah or to the said neighbouring municipality, or to the part thereof specified in the said notification, as the case may be, all or any of the portions of this Act which were specified in that notification, subject to the modifications and restrictions (if any) specified therein or subject to such other modifications or restrictions (if any) as the Local Government may think fit, or without modification or restriction of any kind.

Effect of extension of Act.

533. If all or any portions of this Act which do not already apply to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta be extended to such municipality, or to any part thereof, under section 532, then— [Cf. 1899, s. 642.]

(a) the Bengal Municipal Act, 1884, or the corresponding portions of that Act, as the case may be, shall be repealed in the said municipality or part on and from the date of such extension; and, Ben. Act III of 1884.

(b) except as the Local Government may otherwise by notification in the *Calcutta Gazette* direct, all rules, by-laws, orders, directions and powers made, issued or conferred under the portions of this Act which have been so extended and in force at the date of such extension, shall apply to the said municipality or part, in supersession of all corresponding rules, by-laws, orders, directions and powers made, issued or conferred under the said Bengal Municipal Act, 1884. Ben. Act III of 1884.

Explanation.—The extension to the Municipality of Howrah or to any other municipality in the neighbourhood of Calcutta, or to any part

(Part X.—Chapter XXXVII.—Supplemental provisions.—Clauses 534-536.)

thereof, of any portion of this Act shall not have the effect of placing the said municipality or part under the authority of the Corporation of Calcutta.

Police.

Co-operation of
the Police.

534. (1) The Commissioner of Police and his subordinates shall— [Cf. 1899, s. 643.]

- (a) co-operate with the Corporation for carrying into effect and enforcing the provisions of this Act and for maintaining good order in Calcutta, and,
- (b) on the order of a Magistrate, assist the Corporation or any municipal officer or servant in carrying out any order made by a Magistrate under this Act.

(2) It shall be the duty of every police-officer in Calcutta—

- (i) to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule or by-law made thereunder, and
- (ii) to assist any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the Corporation or in such municipal officer or servant under this Act or under any such rule or by-law.

Power to police
to arrest offenders.

535. (1) It shall be the duty of every police-officer to arrest any person who commits, in his view, any offence against this Act or against any rule or by-law made thereunder, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name or address which such officer has reason to believe to be false. [Cf. 1899, s. 644.]

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time (not exceeding at the most twenty-four hours from the arrest) than is necessary for bringing him before a Magistrate.

(3) On the written application of the Executive Officer, the Chief Engineer or the Health Officer, any police-officer above the rank of constable shall arrest any person who obstructs any municipal officer or servant in the exercise of any of the powers conferred by this Act or by any rule or by-law made thereunder.

Special provisions as to land and buildings in Hastings.

Control by
General Officer
Commanding the
Presidency Dis-
trict over Govern-
ment land and
buildings.

536. Notwithstanding anything contained in this Act, all land and buildings belonging to the Government in that part of Hastings which is included in Calcutta shall be subject to the control of the General Officer Commanding the Presidency District. [1899, s. 649.]

(Part X.—Chapter XXXVII.—Supplemental provisions.—Clauses 537-541.)

Sanction of Government of India required to erection of masonry building.

537. Notwithstanding anything contained in this Act— [Cf. 1899, s. 650.]

(a) permission to erect a masonry building in that part of Hastings which is included in Calcutta shall not be given or be deemed to have been given unless and until the sanction of the Government of India has been obtained; and

(b) such sanction shall not be applied for unless the plan of the building and the site-plan of the land are approved by the Commissioner of Police.

Demolition of buildings erected without such sanction.

538. (1) If the erection of any masonry new building in that part of Hastings which is included in Calcutta is, after the commencement of this Act, commenced, carried on or completed without obtaining the sanction of the Government of India, the Executive Officer shall, if requested by the General Officer Commanding the Presidency District to do so,— [Cf. 1899, s. 651.]

(a) by written notice direct the owner to demolish the building, or

(b) himself cause the building to be demolished at the expense of the owner.

(2) No person shall be entitled to any compensation on account of such demolition.

General provisions.

Who to be deemed owner or occupier, where there are gradations of owners or occupiers.

539. Whenever any right is conferred or duty imposed by or under this Act, or by any rule or by-law made thereunder, on the owner or occupier of any premises, and, in consequence of there being gradations of owners or occupiers, doubt arises as to who is the owner or occupier entitled to exercise such right or bound to perform such duty, the Corporation may, after due inquiry, determine from time to time which of such owners or occupiers shall be deemed to be so entitled or bound: [Cf. 1899, s. 645.]

Provided that if the name of any one of such owners or occupiers has been entered in the assessment-book in pursuance of any decision given by the Executive Officer under section 147, sub-section (2), such owner or occupier shall be deemed to be so entitled or bound until his name is duly removed from the said assessment-book.

Councillors, Aldermen, municipal officers, etc., to be deemed public servants.

540. Every Councillor and Alderman, every municipal officer and servant, every contractor or agent for the collection of any municipal rate or other tax or fee and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. [Cf. 1899, s. 646.]

XLV of 1860.

Prohibition of obstruction of municipal contractors.

541. No person shall obstruct or molest any person (not being a person referred to in section 540) with whom the Mayor has entered into a contract on behalf of the Corporation, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue, [Cf. 1899, s. 647.]

(Part X.—Chapter XXXVII.—Supplemental provisions.—Clauses 542-544.)

or in consequence of, this Act or any rule or by-law made thereunder.

Prohibition of removal of mark.

542. No person shall remove any mark set up for the purpose of indicating any level, measurement or direction necessary to the execution of works, authorized by this Act or by any rule or by-law made thereunder. [C. 1899, s. 648.]

Construction of references and savings.

Construction of references in other enactments.

543. (1) In every enactment in force at the commencement of this Act, unless a different intention appears,—

(a) all references to the Chairman of the Corporation of Calcutta shall be construed as references to the Executive Officer,

(b) all references to the Commissioners of the said Corporation shall be construed as references to the Councillors and Aldermen referred to in section 5, and

(c) all references to, or to any chapter or section of, the Calcutta Municipal Act, 1899, shall, so far as is possible, be construed as references to this Act or to its corresponding chapter or section. Ben. Act III of 1899.

(2) The references to the General Committee in section 56, sub-section (1), and section 65, sub-sections (1), (2) and (3) of the Calcutta Improvement Act, 1911, shall be construed as references to the Corporation. Ben. Act V of 1911.

Saving of prior enactments.

544. Except as in this Act otherwise expressly provided, nothing in this Act shall be deemed to affect the provisions of any other enactment.

(Part IX.—Chapter XXXVI.—Procedure.—Clauses
518, 519.)

Proceedings before Court of Small Causes.

General powers
and procedure of
Small Cause
Courts.

518. (1) Whenever under this Act or under any rule made thereunder, any application, appeal or reference is made to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, the said Court or Judge, as the case may be, may for the purposes of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as is possible, in the same manner as is provided by the Presidency Small Cause Courts Act, 1882, or the Provincial Small Cause Courts Act, 1887, as the case may be; [Cf. 1889, s. 623 and 626.]

XV of 1882.
IX of 1887.

and, in all matters relating to any such inquiry or proceeding, the said Court or Chief Judge shall be guided generally by the provisions of the said Presidency Small Cause Courts Act, or of the said Provincial Small Cause Courts Act, as the case may be, so far as the same are applicable.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Court or Chief Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding, as determined by the said Court or Chief Judge, shall be payable by such parties and in such proportions as the said Court or Chief Judge may direct, and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the said Court or Chief Judge.

Fees in proceed-
ings before Small
Cause Courts.

519. (1) The Local Government may, by notification in the *Calcutta Gazette*, prescribe what fee (if any) shall be paid— [Cf. 1899, ss. 624 and 626.]

(a) on any application, appeal or reference made under this Act to a Court of Small Causes or to the Chief Judge of the Court of Small Causes of Calcutta, as the case may be; and

(b) for the issue, in connection with any inquiry or proceeding of any such Court or of the said Chief Judge under this Act, of any summons or other process:

Provided that the fees (if any) prescribed under clause (a) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees leviable, for the time being, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount. XV of 1882.

(2) The Local Government may, by a like notification, determine by what person any fee prescribed under clause (a) shall be payable.

(3) No application, appeal or reference shall be received by any Court of Small Causes or by the said Chief Judge until the fee (if any) prescribed therefor under clause (a) has been paid:

SCHEDULE I.

"CALCUTTA."

[Cf. 1899,
Sch. I.]

[See section 3, clause (10) and section 173.]

"Calcutta" is the area bounded as follows:—

by a line drawn along the southern and western bank of the Circular Canal from the River Hooghly to the point where it meets the Baliaghata Canal; thence eastward along the southern bank of the Baliaghata Canal to the point where it meets Pagladanga Road; thence along the northern and eastern edge of Pagladanga Road to the point where it meets Chingrighatta Road; thence along the southern edge of Chingrighatta Road to the point where it meets Tangra Road, South; thence along the eastern and southern edge of Tangra Road, South, to the point where it meets Topsia Road, North; thence along the eastern and southern edge of Topsia Road, North, to the point where it meets Hughes Road; thence along the eastern edge of Hughes Road to the point where the Town and Suburban High Level Sewers meet; thence along the southern edge of the new road to the point where it meets Topsia Road, South; thence along the southern and western edge of Topsia Road, South, to the point where it meets Tiljala Road; thence along the southern and eastern edge of Tiljala Road to the Ballygunge Drainage Pumping Station; thence along the northern, eastern and southern boundaries of the Ballygunge Pumping Station and along the southern edge of the new road to the Eastern Bengal Railway line; thence southward along the western edge of the line of that Railway, and westward along the northern edge of the Budge-Budge Branch of that Railway, to Russa Road, South; thence southward along the eastern edge of Russa Road, South, to the point where it meets Tollygunge Circular Road; thence along the southern edge of Tollygunge Circular Road to the point where it meets Shahapur Road; thence westward along the southern edge of Shahapur Road and its continuations, Guragacha Road and Taratala Road; thence northward along the western edge of Taratala Road to the point where it meets Circular Garden Reach Road; thence in a straight line to the River Hooghly; and thence along the left bank of the River Hooghly to its junction with the Circular Canal,

except that it does not include—

- (1) Fort William,
- (2) the Esplanade, or
- (3) that part of Hastings north of the south edge of Clyde Row and Strand Road to the river bank.

SCHEDULE II.

CORRUPT PRACTICES.

[Cf. Bengal
Sch. IV.]

[See sections 3 (17), 19 (3), 44, 55 (1) and 58.]

The following shall be deemed to be corrupt practices for the purposes of this Act :—

PART I.

Bribery.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or

(b) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bond fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by this Act.

Undue influence.

2. (1) Any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, by any of the means hereafter specified, with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector.

(2) The means above alluded to are—

(a) any violence, injury, restraint, or fraud and any threat thereof;

(b) any threat to a person or inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure;

but do not include any declaration of public policy or promise of public action.

Personation.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

*(Schedule II.—Corrupt practices.)*Publication of
false statements.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

PART II.Acts
Part I. under

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or person acting with the connivance of a candidate or his agent.

Personation.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Receipt
of gratification.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward,—

(a) by a person to stand or not to stand as, or to withdraw from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

Payment for
conveyance.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Hiring and use
of public con-
veyances.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

Incurring ex-
pense without
authority.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorized in writing so to do by the candidate.

Hiring of liquor
shops.

7. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circu-
lars, etc., without
printer's and pub-
lisher's name
printed thereon.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

SCHEDULE III.

LIST OF CONSTITUENCIES.

(See sections 7 and 20.)

Name of constituency.	Extent of constituency.	Number of Councillors to be elected.	Number of seats included in column 3 reserved for Muhammadans.
1	2	3	4

A. General constituencies.

Shampukur	...	Ward No. 1	...	Three.	
Kumartuli	...	Ward No. 2	...	Two.	
Bartola	...	Ward No. 3	...	Two.	
Sukeas Street	...	Ward No. 4	...	Two.	
Jorabagan	...	Ward No. 5	...	Three.	
Jorasanko	...	Ward No. 6	...	Three.	
Bara Bazar	...	Ward No. 7	...	Four	Two.
Collootola	...	Ward No. 8	...	Four	Two.
Muchipara	...	Ward No. 9	...	Three	One.
Bow Bazar	...	Ward No. 10	...	Two	One.
Paddapukur	...	Ward No. 11	...	Two.	
Waterloo Street	...	Ward No. 12	...	Three.	
Fenwick Bazar	...	Ward No. 13	...	Two	One.
Taltola	...	Ward No. 14	...	Two	One.
Kalinga	...	Ward No. 15	...	One.	
Park Street	...	Ward No. 16	...	One.	
Bamun Bustee	...	Ward No. 17	...	One.	
Hastings	...	Ward No. 18	...	One.	
Entally	...	Ward No. 19	...	Two	One.
Beniapukur	...	Ward No. 20	...	Two	One.
Ballyganj and Tellyganj	...	Ward No. 21	...	Two	One.
Bhowanipur	...	Ward No. 22	...	Three.	
Alipore	...	Ward No. 23	...	One.	
Ekbulpore	...	Ward No. 24	...	Two	One.
Watganj	...	Ward No. 25	...	Two	One.

B. Special constituencies.

Bengal Chamber of Commerce.	Non-territorial	...	Six.	
Calcutta Trades Association.	Non-territorial	...	Four.	
Calcutta Port Commissioners.	Non-territorial	...	Two.	

SCHEDULE IV.

(See section 31.)

RETURN OF ELECTION EXPENSES.

[Cf. Bengal,
Sch. III.]

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown:—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
- (b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;
- (d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;
- (e) the cost whether paid or incurred of—
 - (i) printing,
 - (ii) advertising,
 - (iii) stationery,
 - (iv) postage,
 - (v) telegrams, and
 - (vi) rooms hired either for public meetings or as committee rooms;
- (f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature, whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (e.g., travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

(Schedule IV.—Return of election expenses.)

3. The form of affidavit referred to in section 31 shall be as follows:—

Affidavit.

I being the appointed election agent for
 a candidate for election in the
constituency (or I being a candidate for
election in the constituency), do hereby
solemnly affirm that the above return of election
expenses is true to the best of my knowledge and
belief, and that, except the expenses herein set forth,
no expenses of any nature whatsoever have to my
knowledge and belief been incurred in, and for the
purposes of, ^{'s candidature}
 my candidature

(Sd.)

Election agent or candidate.

Solemnly affirmed before me.

(Magistrate.)

SCHEDULE V.

RULES AS TO LICENSES FOR THE EXERCISE OR CARRY-
ING ON OF PROFESSIONS, TRADES AND CALLINGS.

(See sections 18, 178, 179, 180, and 213.)

Classes
licenses and tax
on each.

1. Every license shall be granted under one or other of the classes mentioned in the second column of the following table, and there shall be paid annually for the same the fee mentioned in that behalf in the third column of that table:—

[C.G. 1899,
Sch. II, r. 1.]

1	2	3
Serial No.	Classes.	Fees.
	CLASS I.	
1	Company or association or body of individuals, the paid-up capital of which is equivalent to ten lakhs of rupees or upwards, which exercises or carries on any profession, trade or calling whatsoever.	Two hundred rupees.
	CLASS II.	
2	Company or association or body of individuals, which exercises or carries on any profession, trade or calling whatsoever and is not included in Class I.	One hundred rupees.
3	Merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor, auctioneer or carrier, whose place of business is valued under Chapter X at Rs. 350 per mensem or upwards.	Ditto.
4	Owner or occupier of a cotton, jute, hide or other scrow-house or press-house, ditto	Ditto.
5	Owner or occupier of a market, bazar or theatre or a place of public entertainment kept up for the purpose of profit, ditto	Ditto.
6	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper, ditto	Ditto.
7	Proprietor of a newspaper, periodical or journal, ditto	Ditto.
8	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, ditto	Ditto.
	CLASS III.	
9	Practising surgeon, physician, dentist, barrister, attorney, vakil of the High Court, proctor, notary public, public accountant, average adjuster, shroff or banian,	Fifty rupees.
10	Bookmaker or turf accountant,	Ditto.
11	Merchant, banker, wholesale trader, commission agent, architect, civil engineer, builder, contractor, auctioneer or carrier, who is not included in Class II.	Ditto.

(Schedule V.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2	3
Serial No.	Classes.	Fees.
CLASS III—concluded.		
12	Owner or occupier of a market, <i>basar</i> , or theatre, or a place of public entertainment kept up for the purpose of profit, who is not included in Class II.	Fifty rupees.
13	Proprietor of a newspaper, periodical or journal, ditto ...	Ditto.
14	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper, who is not included in Class II and whose place of business is valued under Chapter X at Rs. 100 per mensem or upwards.	Ditto.
15	Owner or occupier of a cotton, jute, hide or other screw-house or press-house, ditto ...	Ditto.
16	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, ditto ...	Ditto.
17	Plumber, electric-fitter or fitter, whose place of business is valued under Chapter X at Rs. 100 per mensem or upwards.	Ditto.
CLASS IV.		
18	Broker or <i>dawal</i> employed in the wholesale transfer or purchase of imports or exports, country produce, silk or other merchandises,	Twenty-five rupees.
19	Insurance agent, broker or canvasser,	Ditto.
20	Commercial traveller,	Ditto.
21	Purchaser of goods in Calcutta for transport and sale beyond the limits of Calcutta,	Ditto.
22	Broker or dealer in precious stones,	Ditto.
23	Broker or dealer in houses, landed property, Government securities, shares or bills of exchange,	Ditto.
24	Surveyor (including a licensed building surveyor) or professional measurer,	Ditto.
25	Professional artist or sculptor,	Ditto.
26	Freight-broker,	Ditto.
27	Practising licentiate of medicine or surgery, practising apothecary, or practising veterinary surgeon,	Ditto.
28	Keeper of a shop for the sale of any liquor or intoxicating drug, or a billiard-room,	Ditto.
29	Owner or occupier of a wholesale tobacco, jute or other depot,	Ditto.

(Schedule V.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rule 1.)

1	2	3
Serial No.	Classes.	Fees.
CLASS IV—concluded.		
30	Owner of a steam ferry-boat or a cargo-boat.	Twenty-five rupees.
31	Pawnbroker or money-lender.	Ditto.
32	Pleader, who is not included in Class III.	Ditto.
33	Printer, publisher, lithographer, engraver, die-maker, photographer or phototyper, who is not included in Class II or Class III, and whose place of business is valued under Chapter X at Rs. 25 per mensem or upwards.	Ditto.
34	Owner or occupier of a cotton, jute, hide or other screw-house or press-house. ditto ...	Ditto.
35	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper. ditto ...	Ditto.
36	Plumber, electric-fitter or gas-fitter, who is not included in Class III, and whose place of business is valued under Chapter X at Rs. 25 per mensem or upwards.	Ditto.
37	Carriage-dealer or horse-dealer, whose place of business is valued under Chapter X at Rs. 25 per mensem or upwards.	Ditto.
CLASS V.		
38	Broker or <i>dalai</i> , who is not included in Class IV.	Twelve rupees.
39	<i>Mukhtear</i> or law agent.	Ditto.
40	Professional draftsman.	Ditto.
41	Professional actor, singer or musician.	Ditto.
42	Professional astrologer or fortune-teller.	Ditto.
43	Keeper of a permanent stall in a daily market, who is not included in any higher class.	Ditto.
44	Keeper of a shop within fifty yards of a daily market who is a seller of goods similar in kind to other goods sold in such market. ditto ...	Ditto.
45	<i>Poddar</i> or money-changer.	Ditto.
46	Medical practitioner (whether registered or otherwise), practising <i>hakim</i> , <i>kabiraj</i> , graduate of the Bengal Veterinary College or midwife, who is not included in any higher class.	Ditto.
47	Order-supplier, coolie-supplier, shipping agent or boat-supplier.	Ditto.

(Schedule V.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 2, 3.)

1	2	3
Serial No.	Classes.	Fees.
CLASS V—concluded.		
48	Printer, publisher, lithographer, engraver, die-sinker, photographer or phototyper, who is not included in Class II, Class III or Class IV, and whose place of business is valued under Chapter X at Rs. 10 <i>per mensem</i> or upwards.	Twelve rupees.
49	Hotel-keeper, boarding-house-keeper, lodging-house-keeper, manufacturer, retail trader or shop-keeper, ditto ...	Ditto.
50	Plumber, electric-fitter or gas-fitter, who is not included in Class III or Class IV, and whose place of business is valued under Chapter X at Rs. 10 <i>per mensem</i> or upwards.	Ditto.
51	Carriage-dealer or horse-dealer, who is not included in Class IV, and whose place of business is valued under Chapter X at Rs. 10 <i>per mensem</i> or upwards.	Ditto.
52	Owner of any carriage, passenger-boat, or palanquin which is let out for hire, whose place of business is valued under Chapter X at Rs. 10 <i>per mensem</i> or upwards.	Ditto.
53	Band-supplier or stamp-vendor, ditto ...	Ditto.
CLASS VI.		
54	Keeper of a shop or other place of business, who is not included in any other class.	Four rupees.
55	Pedlar, vendor of goods in carts, hawker or <i>boz wallah</i> , who is not included in Class VII.	Ditto.
56	Professional petitioner, letter or bill-writer.	Ditto.
CLASS VII.		
57	Itinerant dealer hawking goods for sale in a basket or tray.	One rupee.

Licenses to be either personal or local.

2. (1) Licenses shall be either personal or local.

[Cf. 1899, Sch. II, r. 2.]

(2) "local license" means—

(a) a license the classification of which depends on the valuation of the place of business, and

(b) a license granted under Class IV, number 28, number 29, number 30, or number 31, Class V, number 43, or Class VI, number 54, in the table in rule 1.

Only one personal license required for each person.

3. No person shall in any case be required to take out more than one personal license; but if any person is included under different classes in the table in rule 1, he shall take out a license under the highest of such classes.

[Cf. 1899, Sch. II, r. 3.]

(Schedule V.—Rules as to licenses for the exercise or carrying on of professions, trades and callings—Rules 4-9.)

Personal license for members of firms.

4. When two or more persons carry on business jointly, they may take out a single license as a firm :

[Cf. 1899, Sch. II, r. 4.]

Provided that, if any of the partners of such firm exercises or carries on any separate profession, trade or calling on his own account or jointly with other partners, a separate license shall be taken out in respect of every such profession, trade or calling.

Local license required for each business.

5. A separate local license shall be taken out in respect of the business carried on in each separate place of business :

[Cf. 1899, Sch. II, r. 5.]

Provided that—

(a) separate licenses shall not be required in respect of any business carried on in adjacent premises which form one place of business or in any yards, godowns or factories which are auxiliary to any place of business ; and

(b) the amount of the valuation of such premises, yards, godowns or factories shall be included in the computation for determining the class under which the license shall be taken out.

Valuation of places of business not separately valued under Chapter X.

6. When a place of business occupies only a portion of one set of premises and has not been separately valued under Chapter X, the valuation thereof for the purposes of these rules shall be the rate *per mensem* at which such place of business might, in the opinion of the Executive Officer, reasonably be expected to let.

[Cf. 1899, Sch. II, r. 6.]

When both personal and local license required.

7. When any person exercises or carries on a profession, trade or calling for which a personal license should under these rules be taken out, and is also the owner or occupier of a place of business for which a local license should be taken out, he shall, if the Corporation so direct, take out both a personal license and a local license :

[Cf. 1899, Sch. II, r. 7.]

Provided that, where the place of business is auxiliary to the exercise or carrying on of the profession, trade or calling, only one license shall be required, and such license shall be either personal or local as the Corporation may direct.

Occupier ordinarily to be licensee.

8. Where the owner or occupier of any place of business is required to take out a license, the license shall be taken out by the occupier if the business is carried on by the occupier, but otherwise by the owner.

[Cf. 1899, Sch. II, r. 8.]

Continuance of liability in same class.

9. Any person who has taken out a license for the next preceding year, or has been fined under section 482 for not taking out a license during that year, shall, subject to the other provisions of these rules, be deemed to be liable and entitled to take out a license for the current year under the class in which he was included for such preceding year.

[Cf. 1899, Sch. II, r. 9.]

(Schedule V.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—
Rules 10-13.)

Time for presentation of applications for remissions, etc.

10. (1) Any person who claims a remission or refund of a license fee under proviso (a) to section 178, in respect of any year, shall present an application to the Corporation before the first day of September in the next following year. [Cf. 1899, Sch. II, r. 10.]

(2) Any person who—

(i) has taken out a license for the next preceding year or has been fined under section 482 for not taking out a license during that year, and,

ii) in consequence of any change in his profession, trade, calling or place of business, or for any other reason, claims an exemption or declaration under proviso (b) or proviso (c) to section 178,

shall present an application to the Corporation before the first day of September in the current year.

Power to Executive Officer to issue notices to take out licenses, etc.

11. (1) If the Executive Officer considers—

[Cf. 1899, Sch. II, r. 11.]

(a) that any person who has not taken out a license in the next preceding year ought to take out a license, or

(b) that any person who has taken out a license for such year but has not done so for the current year, ought to take out a license under a higher class, or to take out more than one license,

he may serve such person with a notice directing him to take out a license or licenses for the next preceding year or the current year, as the case may be, under such class or classes as may to the Executive Officer seem proper.

(2) If the Executive Officer considers that any person who has taken out a license for the current year ought to have taken out a license under a higher class, he may serve such person with a notice directing him forthwith to take out a license under such higher class for that year:

Provided that when such license under a higher class has been taken out, the amount paid in respect of the license in the lower class shall, unless such person is liable to take out both licenses, be refunded to him.

Executive Officer to prove liability when service of notice not proved.

12. When any person is summoned for not taking out a license, and service of notice under rule 11, sub-rule (1), is not proved, it shall be incumbent on the Executive Officer to prove that the person so summoned is liable to take out a license, and to state the class under which he is so liable. [Cf. 1899, Sch. II, r. 12.]

Appeal to Bench or to Court of Small Causes.

13. Any person dissatisfied with an order made under rule 6 or a notice served under rule 11 may appeal either— [Cf. 1899, Sch. II, r. 13.]

(a) to a Bench consisting of the Executive Officer or a Deputy Executive Officer and not less than three Councillors or Aldermen; or

(Schedule V.—Rules as to licenses for the exercise or carrying on of professions, trades and callings.—Rules 14-16.)

(b) to a Court of Small Causes having jurisdiction in the place in which the profession, trade or calling is alleged to be exercised or carried on :

Provided that no appeal shall lie under this rule unless the amount payable for the license, as assessed in accordance with the said notice, has been deposited with the Corporation.

Statement by appellant.

14. Any person who is desirous of appealing under rule 13 shall, within fifteen days of the passing of the order or the service of the notice, referred to in that rule, submit to the Secretary to the Corporation a petition setting forth the grounds of appeal,

[*Cf.* 1899, Sch. II, r. 14.]

and if the appeal is against a notice served under rule 11, the petitioner shall intimate whether he intends to appeal to the Bench under clause (a), or to a Court of Small Causes under clause (b) of rule 13 :

Provided that no appeal shall be made to a Court of Small Causes under rule 13 until the expiration of a period of one month from the submission of a petition under this rule.

Procedure of Court in appeal.

15. When an appeal is made under these rules to a Court of Small Causes, the Court may follow the procedure prescribed in section 518, and the order of the said Court shall be final.

[*Cf.* 1899, Sch. II, r. 15.]

Finality of order of Corporation or Executive Officer when no appeal.

16. When no appeal is preferred under these rules, the order of the Corporation or the Executive Officer, as the case may be, shall be final.

[*Cf.* 1899, Sch. II, r. 16.]

SCHEDULE VI.

WARDS FOR PURPOSES OF VALUATION.

(See sections 137 and 473.)

Serial number of Ward.	Name of Ward.	BOUNDARIES OF WARD—			
		On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
1	Shampukur.	The Circular Canal.	Ultadingi Road and Grey Street.	The Circular Canal and Upper Circular Road.	Upper Chitpur Road and the Chitpur Bridge Approach.
2	Kumartuli.	Ditto.	Nimtala Ghat Street and the road leading to Nimtala Ghat.	Upper Chitpur Road and the Chitpur Bridge Approach.	The River Hooghly.
3	Bartola.	Grey Street, Upper Circular Road and Ultadingi Road.	Beadon Street and Maniktala Road.	The Circular Canal.	Upper Chitpur Road.
4	Sukeas Street.	Beadon Street, Upper Circular Road and Maniktala Road.	Machua Bazar Street and Gas Street.	The Circular Canal and Upper Circular Road.	Cornwallis Street.
5	Jorabagan.	Nimtala Ghat Street and the road leading to Nimtala Ghat.	Cotton Street, Clive Street and Mirbahar Ghat Street.	Upper Chitpur Road.	The River Hooghly.
6	Jorasanko.	Beadon Street.	Machua Bazar Street.	Cornwallis Street.	Upper Chitpur Road.
7	Bara Bazar.	Mirbahar Ghat Street, Clive Street and Cotton Street.	Lal Bazar Street, Dalhousie Square, North, Charnock Place, Fairlie Place and a line drawn in continuation of the south side of Fairlie Place to the river bank.	Lower Chitpur Road.	The River Hooghly.
8	Collootola.	Machua Bazar Street.	Bow Bazar Street.	College Street.	Lower Chitpur Road.
9	Muchipara.	Machua Bazar Street and Gas Street.	Bow Bazar Street and Baliaghatta Road.	The Circular Canal.	College Street.
10	Bow Bazar.	Bow Bazar Street.	Dharamtala Street.	Wellington Street.	Bentinck Street.
11	Paddapukur.	Ditto.	Ditto.	Lower Circular Road.	Wellington Street.
12	Waterloo Street.	Lal Bazar Street, Dalhousie Square, North, Charnock Place, Fairlie Place and a line drawn in continuation of the south side of Fairlie Place to the river bank.	Esplanade Row, East, Lawrence Road and Esplanade Row, West.	Bentinck Street.	The River Hooghly.

(Schedule VI.—Wards for purposes of valuation.)

Serial number of Ward.	Name of Ward.	BOUNDARIES OF WARD—			
		On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
13	Fenwick Bazar.	Dharamtala Street.	Kyd Street, Free School Street and Ripon Street.	Wellesley Street.	Chowringhee Road.
14	Taitala.	Ditto.	Ripon Street.	Lower Circular Road.	Wellesley Street.
15	Kalinga.	Ripon Street.	Theatre Road.	Ditto ...	Wellesley Street and Wood Street.
16	Park Street.	Kyd Street, Free School Street and Ripon Street.	Ditto.	Wood Street and Wellesley Street.	Chowringhee Road.
17	Banun Bustee.	Theatre Road.	Lower Circular Road.	Lower Circular Road.	Ditto.
18	Hastings.	Clyde Row and Strand Road to the river bank.	Tolly's Nala.	St. George's Gate Road.	The River Houghly and Tolly's Nala.
19	Entally.	Baliaghata Road, the Circular and Baliaghata Canals and Pagladanga Road.	Beniapukur Road, Phulbagan Road, South Road, Entally and Christopher Road.	Pagladanga Road, Chingrighatta Road, Tangra Road, South, and Topsia Road, North.	Lower Circular Road.
20	Beniapukur.	Beniapukur Road, Phulbagan Road, South Road, Entally and Christopher Road.	Acre Road, Karaya Road, Goristhan Lane, Jhaudala Road, Dikhusa Street, Tiljala Road and Topsia Road, South.	Topsia Road, North, Hughes Road, New Road where the town and suburban high level sewers meet and Topsia Road, South.	Ditto.
21	Ballyganj and Tollyganj.	Lower Circular Road, Acre Road, Karaya Road, Goristhan Lane, Jhaudala Road, Dikhusa Street, Tiljala Road, the northern boundary of the Ballyganj pumping station, Hazra Road and Nepal Bhattacharji Street to Tolly's Nala.	The southern boundary of the Ballyganj pumping station, the New Road, connecting Ballyganj pumping station and the railway line, the Eastern Bengal Railway, Budge-Budge Branch, and Tollyganj Circular Road.	Tiljala Road, the eastern boundary of the Ballyganj pumping station, the Eastern Bengal Railway and Russa Road, South.	Lower Circular Road, Lansdowne Road, Rowland Road, Chakrabere Road, North, Chakrabere Lane, Paddapukur Road, Beltala Road, Townsend Road, Russa Road, South, and Tolly's Nala.
22	Bhowanipur.	Lower Circular Road.	Hazra Road, Nepal Bhattacharji Street to Tolly's Nala.	Lansdowne Road, Rowland Road, Chakrabere Road, North, Chakrabere Lane, Paddapukur Road, Beltala Road, Townsend Road and Russa Road, South.	Tolly's Nala and Zeerut Bridge Approach.

(Schedule VI.—Wards for purposes of valuation.)

Serial number of Ward.	Name of Ward.	BOUNDARIES OF WARD—			
		On the north.	On the south.	On the east.	On the west.
1	2	3	4	5	6
23	Alipore.	Tolly's Nala.	Tollyganj Circular Road and Shahapur Road.	Tolly's Nala	Diamond Harbour Road and Kidderpore Bridge Approach.
24	Ekbalpore.	Dent Mission Road and Circular Garden Reach Road.	Guragacha Road and Taratala Road.	Diamond Harbour Road and Dent Mission Road.	Hide Road.
25	Watganj.	The River Hooghly and Tolly's Nala.	Dent Mission Road, Circular Garden Reach Road, Sonai Road and Taratala Road.	Tolly's Nala, the Kidderpore Bridge Approach, Diamond Harbour Road and Hide Road.	Taratala Road and a line in continuation of Taratala Road up to the River Hooghly.

SCHEDULE VII.

TAX ON CARRIAGES AND ANIMALS.

[Of 1899,
Sch. VIII.]

(See section 168.)

Per half-year.

Rs. A. P.

1. On every four-wheeled carriage propelled by mechanical power (other than electricity) having more than four cylinders or having four cylinders with a bore of 80 millimetres or more ...	24	0	0
2. On every four-wheeled carriage propelled by mechanical power (other than electricity) having less than four cylinders or having four cylinders with a bore of less than 80 millimetres ...	18	0	0
3. On every three-wheeled or four-wheeled carriage propelled by electricity ...	18	0	0
4. On every bicycle, tricycle, side-car, or similar vehicle propelled by mechanical power not included in class 1, class 2 or class 3 ...	6	0	0
5. On every four-wheeled carriage drawn by two horses	12	0	0
6. Where any person owns more than one carriage included in class 5, then on every such carriage after the first ...	8	0	0
7. On every four-wheeled carriage drawn by one horse, pony or mule, or a pair of ponies or mules under 18 hands ...	6	0	0
8. On every two-wheeled carriage drawn by one or more animals ...	6	0	0
9. On every jinrickshaw ...	2	0	0
10. On every horse (not being a race horse) ...	6	0	0
11. On every race horse ...	12	0	0
12. On every pony or mule of or over 18 hands ...	6	0	0
13. On every pony or mule under 18 hands ...	2	0	0

SCHEDULE VIII.

SCAVENGING-TAX.

[*Cf.* 1899,
Sch. IX.]

(See section 182.)

PART I.—PERSONS BY WHOM THE TAX IS PAYABLE.

Hackney-carriage owner.	Shepherd.
Carter.	Goatherd.
Milk-seller.	Owner or occupier of a market.
Horse-dealer.	

PART II.—RATES OF FEE FOR LICENSES.

				C		
				Per half-year.		
				Rs. A. P.		
For every horse	6	0 0
" " pony or mule of or over 13 hands	6	0 0
" " pony or mule under 13 hands	3	0 0
" " bull or buffalo used for drawing a cart	1	8 0
" " cow or buffalo kept by a milk-seller	0	12 0
" " donkey	0	12 0
" " ten sheep or goats	3	0 0
For a daily average of one half-cart load of offensive matter and rubbish, or part thereof, removed from a market	30	0 0

SCHEDULE IX.

FORM OF NOTICE OF DEMAND.

[Cf. 1899,
Sch. X.]

[See sections 192 (1) and 208 (1).]

To

A. B.

residing at

Take notice that the Corporation of Calcutta, demand from you (*as owner or occupier) the sum of
• due from you on account of the consolidated rate (or tax, as the case may be) for (here describe the premises on account of which the rate is leviable or the carriage, animal, profession, trade or calling on account of which the tax is payable) for the quarter (or half-year, or year) commencing (or ending) on the day of ; and that if the said sum is not paid into the municipal office at or to an officer appointed to receive the same, or if sufficient cause for non-payment of the same is not shown to the satisfaction of the Chief Executive Officer within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this day of

(Signed.)

Chief Executive Officer, Calcutta Corporation.

* In the case of a demand on the occupier of any premises under section 201, state that notice of demand has been served upon the owner and that the sum due remains unpaid.

SCHEDULE X.

FORM OF WARRANT OF DISTRESS.

[Cf. 1899,
Act XL.]

[See sections 193 (1), 200 (1) and 242 (1).]

To (here insert the name of the officer charged with the execution of the warrant.)

Whereas A. B., of , has not paid, or shown sufficient cause to my satisfaction for the non-payment of, the sum of due for the consolidated rate (or tax, as the case may be) for the quarter (or half-year or year) commencing (or ending) on the day of , although the said sum has been duly demanded in writing from the said A. B., and seven days have elapsed since the service of the notice of demand;

[or Whereas the proceeds of the sale of the movable property of A. B. of , distrained under a warrant dated , and sold under section 199, are not sufficient to cover the sum distrained for;

And whereas the sum of is still due from the said A. B. ;]

[And whereas the said sum has been increased under section 210 (or section 211, as the case may be), to ;]

This is to direct you to distrain the movable property of the said A. B. (or as the case may be, any movable property found on the premises in respect of which the said rate is due) to the amount of the said sum of and such further sum as may be sufficient to defray the costs of recovering the said amount; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said movable property; and having paid and deducted out of the proceeds of the sale the said sum of and the costs of recovering the same, to return the surplus (if any) and if the same be demanded within three years from the date of the sale, to the person whom you shall find in possession of the said movable property.

If sufficient distress cannot be found of the movable property of the said A. B. (or on the said premises, as the case may be) you are to certify the same to me together with this warrant

Dated this day of

(Signed.)

Chief Executive Officer, Calcutta Corporation.

SCHEDULE XI.

TABLE OF FEES PAYABLE ON WARRANTS OF DISTRESS.

[Cf. 1899,
Sch. XII.]

[See section 103 (3).]

Sum distrained for.				Fee.
				Rs. A.
Under 5 rupees	...	...	...	0 4
Rupees 5 and under Rs. 10	..	...	...	0 8
" 10	" "	15	...	0 12
" 15	" "	20	...	1 0
" 20	" "	25	...	1 4
" 25	" "	30	...	1 8
" 30	" "	35	...	1 12
" 35	" "	40	...	2 0
" 40	" "	45	...	2 4
" 45	" "	50	...	2 8
" 50	" "	60	...	3 0
" 60	" "	80	...	3 12
" 80	" "	100	...	4 8
Above 100 rupees	...	...	...	5 0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas shall be paid daily for each peon so employed.

SCHEDULE XII.

FORM OF NOTICE OF SALE.

[Cf. 1899,
Sch. XIII.]

(See section 196.)

To

A. B.

residing at

Take notice that I have this day seized the movable property specified in the inventory set out below for the sum of due for the consolidated rate (or tax, as the case may be) for the quarter (or half-year or year) commencing (or ending) on the day of ; and that, unless you pay into the municipal office at the amount due, together with the costs of recovery, within seven days from the date of this notice, the said property will be sold.

Dated this day of

(Signature of the Officer
executing the Warrant of Distress.)

Inventory.

(Here state particulars of the movable property
seized.)

SCHEDULE XIII.

RULES AS TO PRIVATE CONNECTIONS TO PREMISES,
AND METERS.

(See sections 235, 242 and 478.)

Private connections to premises.

Separate service-pipes for separate premises.

1. (1) All premises connected with the filtered water-supply shall be provided with separate service-pipes from the municipal main. [Cf. 1899, s. 255.]

(2) In any case in which a service-pipe from a main is used for supplying filtered water to two or more premises, the Corporation shall, by written notice, require the owners of such premises to lay down separate service-pipes for separate premises; and the expense of so doing shall be borne by all such owners in such proportion as may be determined by the Corporation.

(3) The Corporation shall not delegate to any municipal officer their power to make a requisition by written notice under sub-rule (2). [See 1899, s. 18 (1).]

Separate stop-cocks and underground hydrants or taps for supply of unfiltered water to private premises.

2. (1) In premises connected with the municipal water-supply, separate stop-cocks shall be provided by the owner for controlling the supply of unfiltered water for the purposes mentioned in clause (i) and clause (ii), respectively, of section 223. [Cf. 1899, s. 257.]

(2) When unfiltered water is supplied for any of the purposes mentioned in clause (ii) of section 223, it shall be so supplied as to be capable of being drawn only from hydrants or taps fixed below the surface of the ground.

Outer stop-cocks.

3. When any premises are about to be connected with the municipal mains, the Corporation may, by written notice, require the owner of the premises to fix a stop-cock in some position outside the premises which is accessible at all times from the nearest street. [Cf. 1899, s. 258 (1).]

Size of ferrules.

4. (1) Filtered or unfiltered water supplied under Chapter XVII to any premises shall be supplied according to the annual value of such premises, as determined under Chapter X, through a ferrule of the size prescribed therefor in the following table:— [Cf. 1899, s. 259, and Sch. XIV.]

Annual value of premises as determined under Chapter X.				SIZE OF FERRULE.	
				Filtered water.	Unfiltered water.
From	1 to	599 rupees (both inclusive) ...		$\frac{1}{2}$ inch	$\frac{1}{2}$ inch
"	600 to	1,199 " " ...		$\frac{3}{4}$ "	$\frac{3}{4}$ "
"	1,200 to	2,399 " " ...		1 "	$\frac{1}{2}$ "
"	2,400 to	3,599 " " ...		$\frac{1}{2}$ "	$\frac{3}{4}$ "
				$\frac{3}{4}$ "	$\frac{1}{2}$ "
				$\frac{1}{2}$ "	$\frac{1}{2}$ "
				or	or
				1 "	1 "
		3,600 rupees or more ...			

Provided as follows:—

(a) the Local Government may, on the recommendation of the Corporation, substitute any other scale for the scale of ferrules prescribed in the said table;

*(Schedule XIII.—Rules as to private connections
to premises and meters.—Rules 5-7.)*

(b) if any premises be so situated that the ferrule prescribed therefor in the said table or under proviso (a) is too small to pass, within a period of six hours, the daily supply of water to which the occupier of the premises is entitled under section 225, the Corporation shall permit the use of a larger ferrule for such premises.

(2) Where a ferrule used at the commencement of this Act for the supply of water to any premises is larger than that prescribed for such premises in sub-rule (1) or under proviso (a) to that sub-rule, as the case may be, the Corporation may, at the expense of the municipal fund and after giving one month's notice in writing to the owner of the premises, substitute for such ferrule one of the size so prescribed.

Construction of
service-pipes, fer-
rules and works.

5. (1) The service-pipe for carrying water from the municipal mains into any premises, and the pipes, taps and works (other than ferrules) within such premises, shall be of such character, dimensions and materials as the Corporation may fix and approve, and shall be made and constructed at the expense of the person requiring the same.

[Cf. 1899, s.
260.]

(2) The said ferrules shall be of such character and material as the Corporation may fix and approve, and except as provided in Rule 4, sub-rule (2), shall be affixed at the expense of the occupier of the premises.

(3) The said service-pipe, and all fittings thereon for carrying water from the municipal mains into any premises, and all ferrules, pipes, taps, works and fittings inside the premises, shall in all cases be executed subject to the inspection of the Corporation and to their satisfaction:

and the connection of premises with the municipal mains, and the laying of supply-pipes under any public street or thoroughfare, shall be executed in the presence of a municipal officer authorized in that behalf, and in no other way.

(4) Such service-pipe, fittings, ferrules, pipes, taps and works may be made by the servants and workmen of the Corporation upon such terms as may be agreed upon between the Corporation and the person requiring the water-supply, or subject to such charges as may be fixed by them;

and, when they are to be so made, the Corporation may require the cost thereof to be paid or deposited before the work is executed.

Power to Cor-
poration to ins-
pect premises.

6. The Corporation may inspect any premises supplied with water under Chapter XVII in order to examine all pipes, taps, works and fittings connected with the supply of water, and to ascertain whether there is any waste or misuse of such water.

[Cf. 1899,
s. 261.]

Replacing or
alteration of fit-
tings for supply-
ing water.

7. (1) If any pipes, taps, works or fittings connected with the supply of filtered or unfiltered water in any premises be found, on examination by the Corporation, to be defective, they may, by written

[Cf. 1899,
ss. 262 and
268.]

(Schedule XIII.—Rules as to private connections to premises and meters.—Rules 8-10.)

notice, require the owner or occupier of the premises—

- (a) to replace such fittings, or
- (b) to make such alterations therein as may be specified in the notice.

(2) If any notice issued under sub-rule (1) is not complied with within forty-eight hours, the Corporation may forthwith carry out the work, and the cost thereof shall be payable by the person to whom the notice was issued.

Inspection of works, etc., by qualified officer before permitting connection with mains.

8. (1) Before a connection for the supply of water from the municipal mains to any premises is sanctioned by the Corporation, they shall cause all the works, pipes, taps and fittings within such premises to be inspected by a duly qualified officer.

[Cf. 1899, s. 264.]

(2) The cost of such inspection shall be payable in advance, at such rates as the Corporation may from time to time direct, by the person applying for the said connection.

(3) Until the Corporation have certified that the said works, pipes, taps and fittings have been executed and put up in a satisfactory manner, no connection with the municipal mains shall be made.

Meters.

Testing of meter.

9. (1) If the owner or occupier of any premises to the service-pipe of which a meter is attached desires to have the meter tested, he may send a written application to the Corporation, and such application shall be accompanied by a fee of five rupees.

[Cf. 1899, s. 274.]

(2) Upon receipt of any such application and fee, the Corporation shall forthwith cause such meter to be tested, at a time and place to be specified in a notice to be served upon such owner or occupier.

(3) If such meter is found, upon being so tested, to register more than four *per cent.* in excess of the correct quantity, the said fee shall be returned to the person who sent it.

Payment by occupier in case of incorrectness of meter.

10. If a meter which has been tested under rule 9 does not register more than four *per cent.* in excess of the correct quantity, the amount payable under section 240 shall be calculated according to the quantity indicated by the meter; but if the meter registers more than four *per cent.* in excess of the correct quantity, the quantity indicated shall, for the purpose of calculating the amount payable under section 240, be reduced by double the percentage of the excess registered:—

Provided that—

- (a) if such excess is more than ten *per cent.*, no charge shall be made under section 240; and
- (b) no reduction shall be allowed, in calculating the charge for excess under section 240, on account of the incorrectness of the meter, except on the amount payable for the

(Schedule XIII.—Rules as to private connections to premises and meters.—Rules 11-13.)

quarter in which the application referred to in rule 9, sub-rule (1), is received.

Replacing of meter.

11. When any meter attached to the service-pipe of any premises is out of order or under repair, the Corporation shall forthwith replace it by another meter. [Cf. 1899, s. 275.]

Prohibition of fraud in respect of meter.

12. No person shall fraudulently—

[Cf. 1899, s. 276 (1).]

(a) alter the index to any meter, or prevent any meter from duly registering the quantity of water supplied, or

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

Prohibition of injuring meter or fittings.

13. No person shall wilfully or negligently injure or suffer to be injured any meter belonging to the Corporation, or any of the fittings of any such meter. [Cf. 1899, s. 277.]

SCHEDULE XIV.

RULES AS TO DRAINS, PRIVIES AND URINALS.

[See sections 269, 275, 279, 280, 284, 286, 287, 288, 289, 361 (6) and (7) and 478.]

Drains.

Plans of house-drains to be submitted to Corporation.

1. (1) Every person who intends to construct a house-drain, or to make any substantial additions to, or alterations in, a house-drain, shall send to the Corporation an application in such form (to be supplied free of charge) as may be prescribed by the Corporation, and shall state therein the name and address of the licensed plumber who will execute the work.

(2) Such application shall be accompanied by a plan in triplicate, drawn to a scale of eight feet to the inch (or such smaller scale as the Corporation may consider sufficient), and showing—

- (a) the premises to be drained and the boundaries thereof,
- (b) the position of the sewer into which the house-drain is to discharge,
- (c) the position of the unfiltered water main (if any) from which the house-drain is to be flushed,
- (d) the position of all existing filtered water pipes,
- (e) the alignment, gradient and size of the proposed house-drain and its appurtenances,
- (f) any existing drains and their appurtenances, and
- (g) any other particulars which may be prescribed by the Corporation.

Material and joints.

2. Every underground house-drain constructed after the commencement of this Act shall consist of good sound pipes made of glazed stoneware or other suitable material, and shall have water-tight joints made of Portland cement or any other cement approved by the Chief Engineer.

[Cf. 1899, Sch. XV, r. 1.]

Size.

3. Every such house-drain shall be of adequate size, with an internal diameter of not less than—

[Cf. 1899, Sch. XV, r. 2.]

- (a) six inches between the master-trap and the sewer, and
- (b) four inches at all other places.

Angles.

4. No such house-drain shall be so constructed as to form in any of such drains a right-angled junction, either vertical or horizontal, and every branch drain or tributary drain shall be joined to another drain obliquely, at an angle of not less than one hundred and thirty-five degrees, in the direction of the flow of such other drain.

[Cf. 1899, Sch. XV, r. 3.]

How to be laid

5. Every such house-drain shall be—

[Cf. 1899, Sch. XV, r. 4.]

- (a) laid upon a bed of good concrete of such width as may be approved by the Chief Engineer, and not less than six inches thick,

(Schedule XIV.—Rules as to drains, privies and
urinals.—Rules 6-8.)

(b) covered for half its depth with concrete not less than four inches thick, and

(c) so constructed as to have a proper fall.

Prohibition of
inlet within
building.

6. Every such house-drain shall be so constructed as to prevent any inlet to the drain (other than such inlet as may be required from the apparatus of a connected-privy or urinal or a slop-sink constructed or adapted to be used for receiving sewage) being made within the premises.

[Cf. 1899,
Sch. XV,
r. 5.]

Traps.

7. (1) In every such house-drain a suitable trap shall be provided.

[Cf. 1899,
Sch. XV,
r. 6.]

(2) Such trap shall be placed—

(a) within the premises, or,

(b) with the approval of the Corporation and on payment of such fees as may be prescribed by the Corporation, in the footpath or (if there is no footpath) in the roadway adjacent to the premises, and

(c) at a point as distant as may be practicable from the premises and as near as may be practicable to the point at which the drain is connected with a municipal sewer.

(3) Every inlet to any such house-drain (other than an inlet provided in pursuance of rule 8 as an opening for the ventilation of the drain) shall be properly trapped.

Ventilation.

8. The ventilation of every such house-drain shall be provided for as follows:—

[Cf. 1899,
Sch. XV,
r. 7.]

(1) at least two untrapped openings shall be made—

(a) one opening shall be made at or near the level of the surface of the ground adjoining the opening, shall be as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), shall be on that side of such trap which is nearer to the premises, and shall communicate with the drain by means of a suitable pipe, shaft or disconnecting chamber;

(b) the second opening shall be made by carrying up, from a point in the drain as far distant as may be practicable from the point at which the opening mentioned in sub-clause (a) is situated, a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet;

(2) in any case in which the Chief Engineer considers it impracticable to enforce the provisions of sub-clause (a) and sub-clause (b), the two openings prescribed by clause (1) shall be made as follows:—

(i) one opening shall be made by carrying up from a point as near as may be practicable to the trap prescribed by rule 7, sub-rule (1), a pipe or shaft fixed vertically to such height and in such manner as effectually to prevent any escape of foul air from

(Schedule XIV.—Rules as to drains, privies and urinals.—Rule 9.)

such pipe or shaft into any premises in the vicinity thereof, and in no case to a less height than ten feet; and such opening shall be situated on that side of the said trap which is nearer to the premises;

- (ii) the second opening shall be made at a point in the drain as far distant as may be practicable from the point at which the said pipe or shaft is carried up, shall be at or near the level of the surface of the ground adjoining the opening, and shall communicate with the drain by means of a suitable pipe or shaft;

(3) every opening provided under this rule shall be furnished with a suitable grating or other suitable cover for the purpose of preventing any obstruction in, or injury to, any pipe or drain by the introduction of any substance through the opening;

(4) such grating or cover shall be so constructed and fitted as to secure the free passage of air through it by means of a sufficient number of apertures, the aggregate extent of which shall be not less than the sectional area of the pipe or drain to which the grating or cover is fitted;

(5) every pipe or shaft referred to in this rule shall be of a sectional area not less than that of the drain with which the pipe or shaft communicates, and not less than the sectional area of a pipe or shaft of the diameter of four inches;

(6) except with the written permission of the Corporation, no bend or angle shall be formed in any pipe or shaft referred to in this rule;

(7) where the situation, height, sectional area and mode of construction of the soil-pipe of any connected-privy or connected-urinal, or the waste-pipe from any slop-sink situated within any premises, are such as are prescribed by this rule for a pipe or shaft for ventilating a drain, such soil-pipe shall, with the consent of the Chief Engineer, be deemed to provide the opening which, under this rule, is required to be provided by means of a pipe or shaft.

Soil-pipe of connected-privy or urinal.

9. The soil-pipe of every connected-privy or connected-urinal constructed after the commencement of this Act or provided for a new building shall— [Cf. 1899, Sch. XV, r. 8.]

- (a) be at least four inches in diameter,
- (b) be fixed outside the privy or urinal, or outside the building in which the privy or urinal is situated, and be continued upwards without any diminution of its diameter,
- (c) be of such height and be so placed as to afford, by means of the open end of the pipe, a safe outlet for sewer air,
- (d) whenever practicable, be so constructed as to avoid any bend or angle, and
- (e) be so constructed as to have no trap between the pipe and the drains with which the privy or urinal communicates, and no trap (other than such trap as necessarily forms part of the apparatus of the privy or urinal) in any part of the pipe.

(Schedule AIV.—Rules as to drains, privies and
urinals.—Rules 10-12.)

Ventilation of
soil-pipe of con-
nected privy or
urinal detached
from building.

10. Where any such connected-privy or connected-urinal has no internal communication with any building other than the privy or urinal, then,—

[Cf. 1899,
Sch. XV, r.
9.]

- (a) if the distance between the privy or urinal and the trap provided under rule 7, sub-rule (1), in the drain with which the privy or urinal communicates is not more than ten feet, no ventilation-pipe need be fixed in the soil-pipe;
- (b) if the said distance is more than ten feet but not more than thirty feet, a ventilation-pipe shall be fixed in the soil-pipe at a point as far distant as may be practicable from the trap provided under rule 7, sub-rule (1); and such pipe shall be placed vertically to such height and in such manner as effectually to prevent any escape of foul air from the pipe into any building in the vicinity thereof, and in no case to a less height than ten feet, and shall be of a sectional area not less than that of the drain with which it communicates, and not less than the sectional area of a pipe of the diameter of four inches;
- (c) if the said distance is more than thirty feet the soil-pipe shall be ventilated in the manner prescribed by rule 8.

Waste-pipes.

11. (1) The following pipes in any new building, namely:—

[Cf. 1899,
Sch. XV, r.
10.]

- (a) the waste-pipe from any bath-sink (not being a slop-sink constructed or adopted to be used for receiving sewage) or lavatory,
- (b) the overflow-pipe from any cistern or from any safe under a bath or connected-privy or connected-urinal, and
- (c) every other pipe for carrying off waste water,

shall be taken through an external wall of the building, shall be provided with a suitable trap, and shall be so constructed as to discharge into the open air over a channel leading to a trapped gully-grating at least eighteen inches distant from that end of the pipe from which the water issues.

(2) The waste-pipe in any such building from any slop-sink constructed or adapted to be used for receiving sewage shall be constructed so as to comply with such of the rules in this Schedule as relate to the soil-pipe of a connected-privy or connected-urinal.

Open house-
drains.

12. (1) Every open house-drain constructed after the commencement of this Act, or provided for a new building, for the purpose of discharging surface or sullage water, shall be constructed of brick masonry or concrete covered with a plaster containing not less than twenty-five *per cent.* of Portland cement or any other cement approved by the Chief Engineer or of natural or artificial stone, or of glazed half-round pipes.

[Cf. 1899,
Sch. XV, r.
11.]

(Schedule XIV.—Rules as to drains, privies and urinals.—Rules 13-17.)

(2) Every such open house-drain shall be connected with a municipal sewer through trapped inlets in the manner prescribed under this Act or under any rule or by-law made thereunder for other house-drains.

Type-plans.

13. Type-plans for the construction of house-drains shall be prepared by the Chief Engineer and kept open to the inspection of any applicant at the municipal office at all reasonable times without charge.

[Cf. 1899, Sch. XV, r. 12.]

Maintenance of house-drains kept up for the benefit of certain premises only.

14. (1) Every house-drain which is situated in, alongside or under any street, and which has been or shall be constructed, whether at the charge of the municipal fund or not, for the sole use and benefit of, or which is continued for the sole use and benefit of, any premises adjoining or near to such street,

[Cf. 1899, s. 305.]

shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owner of such premises.

(2) The Corporation may, by written notice, require such owner—

(a) to repair, flush, cleanse or empty such house-drain, or

(b) to take such other order with such house-drain as the Corporation may deem necessary.

Maintenance of house-drains jointly used by two or more premises.

15. (1) Every house-drain whether constructed at the charge of the municipal fund or not, which is jointly used for the drainage of two or more premises, shall be maintained and from time to time repaired, flushed, cleansed and emptied by the owners of such premises.

(2) The Corporation may, by written notice, require the said owners or any of them to carry out any work referred to in sub-rule (1), and the cost thereof, whether incurred by the said owners or by the Corporation under section 500, sub-section (2), shall be paid by the said owners in such proportion as the Corporation may think fit.

Power to Chief Engineer to supervise and require alteration of work of laying underground drain.

16. (1) When any underground drain, which is not a municipal drain, is being laid, the Chief Engineer may cause the work to be supervised and may from time to time, by written notice to the person carrying out the work, require the making of any reasonable alteration or addition therein or thereto, or the abandonment of any part thereof, if such alteration, addition or abandonment appears to him to be necessary for ensuring the complete and satisfactory execution of the work.

[Cf. 1899, s. 322.]

(2) If any requisition under sub-rule (1) is not complied with, the Chief Engineer may stop the work and dismantle anything which has been done in contravention of such requisition, and the expenses of so doing shall be paid by the person to whom the requisition was addressed.

Restriction on construction of drain beneath building.

17. Except with the written permission of the Corporation and in conformity with such conditions as may be prescribed by the Corporation, either

[Cf. 1899, s. 303.]

*(Schedule XIV.—Rules as to drains, privies and
urinals.—Rules 18, 19.)*

generally or specially, in this behalf, no drain, other than a municipal drain, shall be so constructed as to pass beneath any part of a building.

Drains passing
beneath a build-
ing.

18. The following provisions shall be observed when any drain is, with the permission of the Corporation granted under rule 17, constructed so as to pass beneath a building, namely:—

[Cf. 1899,
Sch. XV,
r. 18.]

- (1) the drain-pipe shall be of iron or such other material as the Chief Engineer may approve;
- (2) the drain shall be so laid as to leave, between the top of the drain at its highest point and the surface of the ground beneath the building, a distance of not less than the full diameter of the drain;
- (3) the drain shall be laid in a direct line throughout the whole distance beneath the building;
- (4) the drain shall be completely embedded in, and covered with, good and solid concrete at least six inches thick all round;
- (5) adequate means for ventilating the drain shall be provided (where necessary) at each end of such portion thereof as lies beneath the building.

Privies and urinals.

Plans of privies
and urinals to be
submitted to Cor-
poration.

19. (1) Every person who intends to construct any privy or urinal or to make any substantial additions to, or alterations in, any privy or urinal, shall send to the Corporation an application in such form (to be supplied to the applicant free of charge) as may be prescribed by the Corporation.

(2) Such application shall be accompanied by—

- (a) a site-plan in triplicate drawn to a scale of not less than twenty feet to the inch and showing all surroundings to a distance of fifty feet from the privy or urinal, and
- (b) a detailed plan in triplicate of the privy or urinal with sections and cross-sections, drawn to a scale of four feet to the inch and showing—
 - (i) the means of ventilation,
 - (ii) (for connected-privies and connected-urinals only) the position and capacity of the reserve tank and flushing cistern,
 - (iii) (for connected-privies and connected-urinals only) the size and position of the anti-syphonage pipe, soil-pipe, ventilation-pipe, water-pipe, syphon-trap, and other appurtenances,
 - (iv) the ground-level and the floor-level,
 - (v) all pipes and other appurtenances in connection with the filtered water-supply, and

(Schedule XIV.—Rules as to drains, privies and urinals.—Rules 20-23.)

(vi) any other particulars which may be prescribed by the Corporation.

Power to Corporation to refuse to sanction service-privy or service-urinal which will be a nuisance.

20. The Corporation may, for reasons to be recorded by them in writing and furnished to the applicant free of charge, refuse to grant permission to erect any service-privy or service-urinal which will, in their opinion, be a nuisance.

Regulation of site of service-privies and service-urinals.

21. (1) No service-privy or service-urinal exceeding eleven feet in height shall be placed in the space required by this Act to be left at the back of a building.

[Cf. 1899, Sch. XVI, r. 3.]

(2) No service-privy or service-urinal situated in, or adjacent to, a building shall be placed at a distance of less than six feet from—

(i) any public building, or

(ii) any building which is, or is likely to be, used as a dwelling-place, or a kitchen, or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business.

(3) No service-privy or service-urinal shall be constructed in any premises occupied by a masonry building, or, without the special sanction of the Corporation, in any other premises which are situated in a street which has been sewered and has an adequate unfiltered water-supply.

(4) Every service-privy and service-urinal shall be detached from the inhabited portion of any building.

Power to Corporation to require substitution of connected-privies for service-privies and connected-urinals for service-urinals.

22. (1) No service-privy or service-urinal shall be placed on any upper floor of a building :

[Cf. 1899, Sch. XVI, r. 3.]

Provided that, if in any case the Corporation considers it impracticable or inexpedient to provide a connected-privy or a connected-urinal, they may, by written notice, authorize the owner of the building to erect a service-privy or a service-urinal, as the case may be, and require him to pay such sum as may be specified in the notice for the purpose of meeting the expenditure likely to be incurred by the Corporation in removing sewage from the privy or urinal.

(2) The Corporation may, by written notice, require the owner of any building to convert any service-privy into a connected-privy and any service-urinal into a connected-urinal.

Power to Corporation to require owner to provide access to service-privy or service-urinal from street.

23. (1) If there is no convenient access from a street to any service-privy or service-urinal, and if the Corporation consider it inexpedient to require that the privy or urinal be converted into a connected-privy or connected-urinal, as the case may be, they may, if they think fit, by written notice, require the owner of the privy or urinal to form a passage giving access thereto from a street.

[Cf. 1899, Sch. XVI, r. 3.]

(2) Every notice served under sub-rule (1) shall require that such passage be formed at ground-level, be not less than four feet wide, and be provided with a suitable door, and shall inform the said owner that the passage may, at his option, be either open to the sky or covered in.

*(Schedule XIV.—Rules as to drains, privies and
urinals.—Rules 24-27.)*

- Models and type-plans.** **24.** Models and type-plans of privies and urinals approved by the Corporation, with estimates of the cost of constructing privies and urinals in accordance therewith, shall be kept in the municipal office, and shall be open to inspection by any person at all reasonable times without charge; but no person shall be bound to construct any privy or urinal in accordance with any such model or type-plan if such privy or urinal be constructed in accordance with the other rules contained in this Schedule. [Cf. 1899, Sch. XVI, r. 4.]
- Drains.** **25.** (1) A drain shall be provided for every service-privy and every service-urinal. [Cf. 1899, Sch. XVI, r. 5.]
- (2) Such drain shall be constructed of some impervious material and shall connect the floor of the privy or urinal—
- (a) with a drain communicating with a municipal sewer, or,
- (b) if permitted by the Corporation, with an impervious cesspool the contents of which can be removed to a municipal sewer either by hand or by flow after filtration.
- Floor.** **26.** (1) The floor of every privy and every urinal shall,— [Cf. 1899, Sch. XVI, r. 6.]
- (a) if the Chief Engineer in any case so directs, be made of one of the following materials, to be selected by the owner of the privy or urinal, that is to say, glazed tiles, artificial stone or cement, or
- (b) if no such direction is given, be made of thoroughly well-burnt earthen tiles or bricks plastered (and not merely pointed) with cement, and
- (c) be in every part at a height of not less than six inches above the level of the surface of the ground adjoining the privy or urinal.
- (2) The floor of every service-privy and every service-urinal shall have a fall or inclination of at least half an inch to the foot towards the drain prescribed by rule 25.
- (3) The floor of every connected-privy and connected-urinal in which the opening of the pan is placed on the level of the floor shall have a fall or inclination towards the pan of at least half an inch to the foot.
- Walls and roof.** **27.** The walls and the roof (if any) of every privy and every urinal shall be made of such materials as may be approved by the Corporation: [Cf. 1899, Sch. XVI, r. 7.]
- Provided that—
- (a) in the case of service-privies and service-urinals, the entire surface of the walls below the platform shall either be rendered in cement or be made as prescribed in clause (a) or clause (b) of rule 26;
- (b) in the case of connected-privies and connected-urinals the walls shall, up to a height of at least twelve inches above the platform, be made as prescribed in clause (a) or clause (b) of rule 26.

(Schedule XIV.—Rules as to drains, privies and
urinals.—Rules 28-32.)

Platform.

28. The platform of every privy and every urinal shall either be plastered with cement or be made of some water-tight non-absorbent material. [Cf. 1899, Sch. XVI, r. 8.]

Ventilation of
privies and urinals
in, or adjacent to,
buildings.

29. Every privy and every urinal situated in, or adjacent to, a building shall have an opening, of not less than three square feet in area, in one of the walls of the privy or urinal, as near the top of the wall as may be practicable and communicating directly with the open air. [Cf. 1899, Sch. XVI, r. 9.]

Service-privies
and urinals to be
provided with a
movable receptacle
for sewage.

30. (1) Every service-privy and service-urinal shall be provided with a movable receptacle for sewage. [Cf. 1899, Sch. XVI, r. 10.]

(2) The following provisions shall have effect with regard to such privies, urinals and receptacles, namely:—

- (a) the space beneath the platform of the privy or urinal shall be of such dimensions as to admit of a movable receptacle for sewage, of a capacity not exceeding two cubic feet, being placed and fitted beneath the platform in such manner and position as will effectually prevent the deposit, otherwise than in such receptacle, of any sewage falling or thrown through the aperture in the platform;
- (b) the privy or urinal shall be so constructed as to afford adequate access to the said space for the purposes of cleansing it and of placing therein, and removing therefrom, a proper receptacle for sewage;
- (c) the said receptacle shall be water-tight, and shall be made of metal, well-tarred earthenware or glazed stoneware, and shall be of such construction and shape as the Chief Engineer may consider suitable;
- (d) the door of the opening for the insertion and removal of the said receptacle shall be so made as completely to cover the said opening.

Connected-
privies and urinals
to be separated
from kitchens,
etc.

31. Every connected-privy and connected-urinal shall be sufficiently separated, to the satisfaction of the Health Officer, from all kitchens, habitable rooms and rooms in which any person is, or is intended to be, employed in any manufacture, trade or business. [Cf. 1899, Sch. XVI, r. 11.]

Flushing of con-
nected privies and
of urinals.

32. (1) Every connected-privy shall be provided with a suitable water-cistern, so arranged as— [Cf. 1899, Sch. XVI, r. 12.]

- (a) to discharge direct into the pan of the privy not less than three gallons of water each time the cistern is used, and
- (b) to prevent water being drawn from the cistern for any other purpose.

(2) All waste-pipes and overflow-pipes attached to such cisterns shall terminate in the open air and be cut off from all direct communication with any drain.

*(Schedule XIV.—Rules as to drains, privies and
urinals.—Rules 33-38.)*

(3) Every urinal shall be provided with adequate flushing arrangements to the satisfaction of the Chief Engineer.

Pan for connect-
ed-privies and
urinals.

33. Every connected-privy and connected-urinal shall be provided with a pan of such form and dimensions as may be approved by the Chief Engineer.

[Cf. 1899,
Sch. XVI,
r. 12A.]

Water-trap.

34. Every connected-privy and connected-urinal shall be provided with an air-tight water-trap immediately below the pan.

[Cf. 1899,
Sch. XVI,
r. 13.]

Syphon trap
and anti-syphon-
age pipe.

35. (1) Every connected-privy and connected-urinal shall be provided with a syphon-trap which shall be proof against syphonage.

[Cf. By-law
14 of Calcutta
Municipal
Drainage By-
laws.]

(2) Every such privy or urinal, which is more than one storey high, shall be provided with an anti-syphonage pipe having an internal diameter of not less than two inches, and such pipe shall be carried to a height of at least four feet above the roof of the privy or urinal or the roof of the building in which such privy or urinal is situated.

Prohibition of
"containers" and
"D traps."

36. No "container" or other similar fitting shall be placed under the pan of a connected-privy or connected-urinal; and no trap of the kind known as a "D trap" shall be used with any such privy or urinal.

[Cf. 1899,
Sch. XVI,
r. 14.]

Soil-pipe for
connected-privies
and connected-
urinals.

37. (1) Every connected-privy and connected-urinal shall be provided with a soil-pipe for carrying sewage to a municipal sewer.

[Cf. 1899,
Sch. XVI,
r. 15.]

(2) Such soil-pipe shall be provided with air-tight joints, and, if it be placed above ground, shall be made of metal approved by the Chief Engineer.

(3) Such soil-pipe shall, in addition to the trap prescribed by rule 34, be provided with a trap placed at some point between the privy or urinal and the sewer referred to in sub-rule (1).

(4) Such soil-pipe shall be ventilated by direct communication with the open air in the manner prescribed by the rules contained in this Schedule; and, if the privy is situated in a building, the pipe shall be carried outside the building.

Enforcement of
the foregoing
rules in the case
of future privies
or urinals.

38. If any new building which is a privy or urinal is so constructed as to contravene any of the provisions of this Schedule, the Corporation may (whether or not the offender be prosecuted under this Act), by written notice, require—

[Cf. 1899,
Sch. XVI,
r. 16.]

(a) the occupier of the building to which the privy or urinal belongs, or

(b) (if the privy or urinal does not belong to a building) the owner of the land on which the privy or urinal stands,

to make such alterations as may be specified in the notice with the object of bringing the privy or urinal into conformity with the said provisions.

SCHEDULE XV.

RULES AS TO THE REGULATION, MAINTENANCE, PROTECTION AND REPAIR OF STREETS AND PUBLIC PLACES.

(See sections 300, 361 (8) and (9) and 478.)

Regulation, maintenance and protection of streets and public places.

Cutting of
hedges and trees
and power to
Corporation to
cause same to
be cut.

1. (1) The Corporation shall cause any hedges belonging to them which border on any street or square to be trimmed or pruned to a height not exceeding seven feet, and shall cause any trees belonging to them which overhang any public street so as to obstruct the same or cause damage thereto, to be cut and trimmed.

[Cf. 1889, s. 339.]

(2) The Corporation may, by written notice, require the owner or occupier of any land or building to trim or prune, to a height not exceeding seven feet, any hedges thereof bordering on any public street, or to cut and trim any tree appertaining to such land or building which overhangs any public street so as to obstruct the same or cause damage thereto.

(3) The Corporation, if for the public safety it appears to them necessary to do so, may cause any hedge or tree referred to in sub-rule (2) to be trimmed, pruned or cut without previously giving notice to the owner or occupier of the land or building as required by that sub-rule, and the expenses thereof shall nevertheless be paid by the said owner or occupier.

Regulation of
verandahs, etc.,
projecting over
streets.

2. (1) No verandah supported by pillars resting on a street shall be erected, either as a new structure or otherwise,—

[Cf. 1889, s. 340.]

(a) in any street specified by the Corporation in that behalf,

(b) in any street the width of which is less than fifty feet, or

(c) over any footpath the width of which is less than six feet.

(2) No roof shall be placed on any verandah supported as aforesaid, and no roof exceeding three feet in width shall be placed on any verandah projecting over a street and not so supported.

(3) No person shall put up any verandah, balcony, sunshade, weather-frame or the like, to project over any street, without the written permission of the Corporation.

(4) Subject to the provisions of sub-rule (1) and sub-rule (2) the Corporation may, in their discretion, give written permission, on such conditions as they may think fit and on payment of such fees or rent as may be fixed from time to time by the Corporation, to owners or occupiers of buildings abutting on any street to put up verandahs, balconies, sunshades, weather-frames and the like, whether supported by pillars or not, to project from any building over such street.

(Schedule XV.—Rules as to the regulation, maintenance, protection and repair of streets and public places.—Rules 3-5.)

(5) On the breach of any such condition, the Corporation may, by written notice, require the owner or occupier of the said building to comply with such condition.

(6) At any time after permission has been given under sub-rule (4) to put up a verandah, balcony, sunshade, weather-frame or the like, to project from a building, the Corporation may, by written notice, require the owner or occupier of the building to remove such projection; and the owner or occupier shall be entitled to reasonable compensation out of the municipal fund on account of such removal.

Sky-signs.

3. (1) No person shall erect or maintain a sky-sign without the written permission of the Corporation, which shall not be granted unless the sign is so constructed and maintained as not to be dangerous to the public or likely to fall into any street or public place. [Cf. 1899, s. 344.]

(2) Every written permission granted under sub-rule (1) shall continue in force for not more than one year from the date on which it was granted, and may be revoked at any time by the Corporation if they consider that the sky-sign for which it was granted has become dangerous to the public or is likely to fall into a street or public place.

Execution of works in public streets.

Guarding and lighting when public street opened or broken up and speedy completion of work.

4. (1) When any drain in, or the pavement or surface of, any public street is opened or broken up for the purpose of carrying on any work, or when any public street is under construction, the Corporation shall cause the place to be fenced and guarded and to be sufficiently lighted during the night and shall take proper precautions for guarding against accident, by shoring up and protecting adjoining buildings; [Cf. 1899, s. 345.]

and shall, with all convenient speed, complete the said work, fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby.

(2) No person shall, without lawful authority, remove any fence or shoring-timber, or remove or extinguish any light, set up under sub-rule (1).

Power to Corporation to prevent or restrict traffic in street during progress of work.

5. (1) When any work referred to in rule 4 is being executed in any public street, or when any other work which may lawfully be done is being executed in any street, the Corporation may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description. [Cf. 1899, s. 346.]

(2) When any such direction has been given, the Corporation shall set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as they may think proper for preventing or restricting traffic therein.

(3) No person shall, without lawful authority, infringe any such order or remove any such bar, chain or post.

(Schedule XV.—Rules as to the regulation, maintenance, protection and repair of streets and public places.—Rules 6-8.)

Provision of facilities, and payment of compensation, when work executed by Corporation in public street:

6. (1) When any work is being executed by the Corporation in any public street, they shall, so far as may reasonably be practicable, make adequate provision for—

- (a) the passage or diversion of traffic;
- (b) proper access to all premises approached from such street; and
- (c) any drainage, water-supply, or means of lighting which are interrupted by reason of the execution of such work.

(2) The Corporation shall pay compensation to any person who sustains special damage by reason of the execution of any such work.

Naming of public streets and numbering of premises.

Posting of street names.

7. (1) The Corporation shall from time to time cause to be put up or painted, in a durable manner, on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, such name as the Corporation may from time to time determine under section 297, sub-section (2), as the name by which such street is to be known.

(2) No person shall, without lawful authority, destroy, pull down, or deface any such name, or put up any name different from that put up by order of the Corporation.

Numbering of premises.

8. (1) The Corporation shall from time to time cause all premises in or near each public street to be numbered separately, and shall cause their respective numbers to be affixed in conspicuous places outside such premises at or near the entrances thereto.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number.

SCHEDULE XVI.

RULES AS TO THE USE OF BUILDING-SITES AND THE
EXECUTION OF BUILDING-WORK.

[See sections 320, 329, 360, 361 (10), 478, 484 and 485.]

Part I.—Building-sites.

Conditions as to
use of building-
sites.

1. No piece of land shall be used as a site for the erection of a building,— [Cf. 1899, Sch. XVII, r. 1.]

- (1) if the building is to abut on a street, unless the site is of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Corporation may consider practicable; and,
- (2) if the site is within thirty feet of a tank, unless the owner takes, or satisfies the Corporation that he will take, such order as will prevent any risk of the drainage of the building passing into the tank; and,
- (3) if the site is a filled-up tank, or has been filled up with, or used for depositing, rubbish, offensive matter or sewage, unless the Corporation have caused the site to be examined and granted a certificate to the effect that it is, from sanitary and engineering points of view, fit to be built upon; and,
- (4) if the building to be erected is a public building, a dwelling-house or a hut intended for human habitation, unless the site is certified by the Corporation to be dry and well-drained, or unless the Corporation are satisfied that it is capable of being well-drained and that the owner will take the necessary steps to drain it.

Certificate as to
correctness of
plans of a pre-
viously existing
building and fees
therefor.

2. (1) Any person who intends to erect any building upon a site on which a building has been previously erected, whether before or after the commencement of this Act, may, before commencing to erect his intended building, cause to be prepared plans showing the extent of the previously existing building in its several parts (or, in the event of such building having been taken down before the commencement of this Act, or having been accidentally destroyed, the best plans available under all the circumstances of the case), and may cause such plans to be submitted to the Corporation who shall (if reasonably satisfied with the evidence of their accuracy) certify the same; and such certificate shall be taken to be conclusive evidence of the correctness of the plans. [Cf. 1899, Sch. XVII, r. 1A.]

(2) The Corporation, when granting a certificate under this rule, may charge such fees, not exceeding ten rupees for any one building, as they may think fit.

Part II.—Buildings generally.

Height.

3. (1) If a building is situated at the side of a street, no portion of the building, except open or balustraded parapets not more than four feet high, shall intersect any of a series of imaginary lines [Cf. 1899, Sch. XVII, r. 2.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building work.—Rule 3.)

drawn across the street at an angle of forty-five degrees with the horizontal, such lines being drawn from the side of the street which is the more remote from the building in question, from a height of two feet above the centre of the street :

Provided as follows:—

- (i) where the said street is joined at an angle by another street facing the building, the height of the building shall not exceed the height which would be permissible if the said street were not joined at an angle by another street facing the building;
- (ii) where the street in which the building is situated terminates in front of the building, and the building faces down the street, the building shall be deemed to be situated at the side of the street;
- (iii) nothing herein contained shall affect the erection of a building abutting upon, or situated at the side of, a street of not less than sixty feet in width, if such building does not exceed eighty feet in height; and
- (iv) no building exceeding eighty feet in height shall be erected without the special permission of the Corporation.

Explanation.—If a building be placed at the edge of the street, its height, measured from two feet above the centre of the street, and excluding parapets as aforesaid, shall not exceed the average width of the street facing the site; but, if the building or one or more of its storeys be set back, the height of the building may be increased, subject to the condition that no portion of the building, after the height is increased, intersects any of the aforesaid lines.

(2) In the case of a new building erected on any portion of the site of the whole or part of a building in existence at the commencement of this Act, the angle at which the lines referred to in sub-rule (1) are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

Provided as follows:—

- (i) the height allowed under this sub-rule shall in no case be more than thirty-six feet, and
- (ii) nothing contained in this sub-rule shall authorize the erection of a new building so as to make any portion of it higher than any building which at the commencement of this Act was standing on the same portion of the site.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), the Corporation may, by order published in the *Calcutta Gazette*, declare that, in any street or portion of a street, not less than sixteen feet in width, which is specified in the order, the erection of two-storeyed buildings not exceeding twenty-eight feet in height excluding two feet for the plinth and excluding open or balustraded parapets not more than four feet high, will be permitted without complying with the requirements of those sub-rules.

(4) If a building is situated on a corner plot so as to abut upon more than one street, the narrower of

*(Schedule XVI.—Rules as to the use of building-sites
and the execution of building-work.—Rules 4-7.)*

such streets shall, for the purpose of regulating the height of the building, be deemed to be of the same width as the wider street to a distance of forty feet from such wider street.

(5) Notwithstanding anything contained in sub-rules (1), (2) or (4),—

- (a) a building of not more than one storey and not exceeding twelve feet in height (excluding two feet for the plinth) above the centre of the street, and
- (b) if, in any street which is less than sixteen feet in width, the owner of any building-site abutting on the street makes a free gift to the Corporation of all land comprised within such site, which falls within eight feet of the centre line of such street, then a two-storeyed building not more than twenty-eight feet high,

may be erected without complying with the requirements of the said sub-rules.

(6) For the purposes of clause (b) of sub-rule (5) of this rule and of clause (b) of sub-rule (4) of rule 30—

- (a) the Corporation may prescribe a centre line for any street which is less than sixteen feet in width, and
- (b) when such centre line has been prescribed, the side of the street shall, for the purposes of sub-rule (1), be deemed to be an imaginary line drawn eight feet from such centre line.

Level of floor.

4. The floor or lowest floor of every new building erected from the ground-level shall be constructed at such level as will admit of—

- (a) the construction of a drain sufficient for the effectual drainage of the building and placed at such level as will admit of the drainage being led into some municipal sewer at the time existing or projected, and
- (b) the provision of the requisite communication with some sewer into which the drainage may lawfully be discharged at a point in the upper half of such sewer or with some other means of drainage into which the drainage may lawfully be discharged.

Provision of fire escapes in certain buildings.

5. All buildings of three or more storeys, all public buildings and all buildings of the warehouse class shall be provided with adequate means of escape in case of fire, to the satisfaction of the Corporation.

Certain buildings not to be erected within six feet of a service-privy.

6. No new public building or new building which is, or is likely to be used as a dwelling-place or a kitchen or as a place in which any person is, or is intended to be, employed in any manufacture, trade or business shall be erected within six feet of any service-privy or service-urinal.

Prohibition of use of inflammable materials for roofs or external walls.

7. (1) External roofs or walls of buildings shall not, after the commencement of this Act, be made of grass, leaves, mats, canvas or other inflammable materials.

[Cf. 1899, Sch. XVII, r. 3.]

[Cf. Sch. XVI, r. 1 (2)]

[Cf. 1899, s. 363.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 8-13.)

(2) The Corporation may, by written notice, require the owner of any building situated within a distance of thirty feet from any other building, and having at the commencement of this Act an external roof or wall made of any such inflammable material, to remove or alter such roof or wall.

(3) Sub-rules (1) and (2) shall not apply to bamboo shingle or wood or to any garden hut, orchid house, fernery or other similar structure within a compound, unless in any particular case the Corporation consider any such structure to be dangerous.

Part III.—Masonry buildings generally.

Foundation. 8. (1) Except with the sanction of the Corporation, the foundation of a masonry building shall rest on solid ground. [Cf. 1899, Sch. XVII, r. 7.]

(2) Except with the sanction of the Corporation, the spread of the foundation shall be such that the pressure on the soil, taking into account the load on the floors and terrace-roof (if any) referred to in rules 15 and 17, shall not be greater than one ton on the square foot.

(3) The levels of the foundation shall be such as the Corporation may consider satisfactory.

Plinth. 9. The plinth of a masonry building shall be at least two feet above the level of the centre of the nearest street: [Cf. 1899, Sch. XVII, r. 8.]

Provided that the plinth of stables, cow-sheds, motor garages and coach houses may be one foot above such level.

Footings for walls. 10. Every wall of a masonry building shall be constructed so as to rest upon proper footings having regular offsets and a horizontal spread on each side of the wall of not less than one-half the height of the footings, unless an adjoining wall interferes, in which case the footings may, subject to the provisions of rule 8, sub-rule (2), be omitted, where that wall adjoins. [Cf. 1899, Sch. XVII, r. 9.]

Outer walls. 11. The outer walls of a masonry building shall be constructed of brick or some similar hard and incombustible substance. [Cf. 1899, Sch. XVII, r. 10.]

Bonding of walls. 12. All walls of a masonry building shall be properly bonded. [Cf. 1899, Sch. XVII, r. 11.]

Damp-proof course. 13. (1) Every wall of a masonry building shall have a damp-proof course at the level of the ground floor. [Cf. 1899, Sch. XVII, r. 12.]

(2) Such damp-proof course may consist of sheet-lead, asphalt, slates laid in cement, vitrified bricks or any other durable material impervious to moisture.

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 14-20.)

Walls in building of more than one storey.

14. If a masonry building exceeds one storey in height,— [Cf. 189 Sch. XVI r. 18.]

(a) every wall shall be solidly put together, with—

- (i) good cement, or
- (ii) good lime, or
- (iii) mortar compounded with good cement and sand or other suitable material, or
- (iv) mortar compounded with good lime and sand or other suitable material;

(b) the proportions of the materials forming such mortar shall be such as are approved by the Corporation;

(c) no part of any wall, other than a cornice or moulding, shall overhang any part of a wall underneath it; and

(d) every wall shall be of such thickness as the Corporation may consider necessary to ensure safety, regard being had to the height of the building, the materials of which it is constructed, and the purpose for which it is intended to use it.

Floors.

15. The floors of every masonry building shall be constructed to bear safely the maximum load to be carried, the allowance for live load not being less than fifty-six pounds on the square foot. [Cf. 189 Sch. XVI r. 14.]

Beams and girders.

16. (1) All beams and girders in a masonry building shall be supported by a breadth of brick-work stone or other solid substance sufficient to secure their stability. [Cf. 189 Sch. XVI r. 15.]

(2) The bearing of a beam or girder on a wall shall not, without the sanction of the Corporation, be less than three-fourths of the thickness of the wall.

Terrace-roofs.

17. Terrace-roofs shall be constructed to withstand such load, not less than forty pounds on the square foot, in addition to their own weight, as may be specified by an order of the Corporation. [Cf. 189 Sch. XVI r. 16.]

Power to Corporation to regulate height of boundary wall.

18. Notwithstanding anything contained in this Schedule, a boundary wall may be erected on the boundary of a site to any height which the Corporation may think fit and proper in the special circumstances of the case.

Notice to be sent to Corporation before commencing work.

19. Not less than three days before any person commences to erect a new building (other than a hut) the owner of the building shall send to the Corporation a written notice specifying the date on which it is proposed to commence the work. [Cf. 189 Sch. XVI r. 17.]

Notice after completion of work.

20. Within one month after the completion of the erection of a new building (other than a hut)— [Cf. 189 Sch. XVI r. 18.]

(a) the owner of the building shall send to the Corporation a written notice of the fact of such completion; and

(b) the licensed building surveyor or other person (if any), employed under rule 57 to supervise the erection of the said building, shall [Cf. 189 Sch. XVI r. 19.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 21-23.)

sign and send to the Corporation a true certificate in the following form :—

“BUILDING COMPLETION CERTIFICATE.

(See Schedule XVI, r. 20.)

I do hereby certify that the following building work (*here insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Calcutta Municipal Act, 1921, or of the rules and by-laws made thereunder, and no requisition made, condition prescribed or order issued under the said Act, rules or by-laws has been transgressed in the course of the work.”

[*cf.* Bom. Act III of 1888, Schedule T.]

Inspection of masonry buildings by Corporation.

21. The Corporation may,—

- (a) at any time during the erection of any new building (other than a hut), or
- (b) within one month after the receipt of the notice or the certificate sent under rule 20 with respect to any such building, or
- (c) if no such notice or certificate has been received, at any time after the building has been erected,

[*cf.* 1899, a. 382.]

inspect such building, without giving previous notice of their intention to do so.

Power to Corporation to take action after making inspection.

22. (1) If, on making any inspection under rule 21, the Corporation find that the building inspected is being or has been erected—

[*cf.* 1899, a. 383.]

- (a) otherwise than in accordance with the plans thereof which they have approved, or
- (b) in such a way as to contravene any of the provisions of this Act or any rules or by-laws made thereunder,

they may, by written notice, require the owner of the building either—

- (i) to make such alterations as may be specified in the notice with the object of bringing the work into conformity with the said plans or provisions, or
- (ii) to appear before them and show cause why such alterations should not be made.

(2) If such owner does not appear and show cause under clause (ii) of sub-rule (1), he shall be bound to make the alterations specified in such notice.

(3) If such owner appears and shows cause under clause (ii) of sub-rule (1), the Corporation shall, after hearing him, either—

- (a) cancel the notice issued under sub-rule (1), or
- (b) confirm the same, subject to such modifications (if any) as they may think fit.

Part IV.—Dwelling-houses and other domestic buildings.

Proportion of site for dwelling-house which may be built upon.

23. The total area covered by all the buildings on any site used for a dwelling-house shall not exceed two-thirds, or, in localities where the erection of only

[*cf.* 1899, Sch. XVII, r. 17.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 24-26.)

detached buildings is allowed, one-third, of the total area of the site, and the area not so covered shall form part of the site.

Dwelling-houses and out-offices, where two-thirds of site are left vacant.

24. (1) If two-thirds of any building-site are left vacant—

[Cf. 1899, Sch. XVII, r. 18.]

(a) the dwelling-house may be placed in any part of the site, but not (subject to the provisions of section 304 or section 310, as the case may be) so as to extend beyond any building-line prescribed under section 303 or section 309; and

(b) servants' houses, stables and other out-offices within the area of the site shall not exceed fifteen feet in height or twenty feet in depth and shall not be placed on more than two sides of the dwelling-house or within twenty-four feet of the dwelling-house.

(2) If two-thirds of a building-site are left vacant under sub-rule (1) no building or part of a building shall be erected so as to encroach upon the area so left vacant.

Size and ventilation of inhabited rooms.

25. (1) Every room in a domestic building which is intended to be used as an inhabited room—

[Cf. 1899, Sch. XVII, r. 20.]

(a) shall be in every part not less than ten feet in height, measured from the floor to the under-side of the beam on which the roof or ceiling rests;

(b) shall have a clear superficial area of not less than one hundred square feet;

(c) shall have, for purposes of ventilation,

(i) windows opening directly into the external air, or into an open verandah, and having an opening of not less than one-fifteenth of the floor-area of the room, and

(ii) an aggregate opening of not less than one-seventh of the floor-area of the room, to be provided by windows, or windows and doors, opening directly into the external air or into an open verandah, and

(d) shall, if such room has a cubical area of three thousand cubic feet or less, be provided, for every six hundred cubic feet capacity or fraction thereof, with one ventilating opening, not less than one square foot in area, near the ceiling and opening directly into the external air or into an open verandah:

Provided that the Corporation may, in their discretion, relax the provisions of clause (a) and clause (b).

Floor of inhabited room over stable, cattle-shed or cow-house.

26. Every room in a domestic building which is intended to be used as an inhabited room, and which is constructed over a stable, cattle-shed or cow-house, shall be separated from the stable, cattle-shed or cow-house by a floor of concrete or other impermeable material.

[Cf. 1899, Sch. XVII, r. 20A.]

(Schedule XVI.—Rules as to the use of building-sites
and the execution of building-work.—Rules 27-30.)

Ventilation of
staircases.

27. In every domestic building constructed or adapted to be occupied in flats, the principal common staircase shall be adequately ventilated upon every storey.

[Cf. 1899,
Sch. XVII,
r. 20B.]

Ground floor

28. The ground floor of every domestic building shall be covered throughout, at the height of the plinth, with some impermeable material approved by the Corporation, unless such floor be supported on beams and has a free air-space beneath it.

[Cf. 1899,
Sch. XVII,
r. 20C.]

Court-yard of
dwelling-house.

29. (1) The minimum superficial area of every court-yard of a dwelling-house shall be one-fourth of the aggregate floor-area of the rooms and verandahs on the ground floor abutting on the court-yard :

[Cf. 1899,
Sch. XVII, r.
21.]

Provided that, in determining the said aggregate floor-area,—

(i) only one-half of the floor-area of such rooms and verandahs as abut on the open space prescribed under rule 30, and

(ii) no portion of the floor-area of such rooms and verandahs as abut on a street not less than twelve feet in width,

shall be taken into account.

(2) Any room which is separated only by an open verandah from the court-yard shall, for the purpose of this rule, be deemed to abut on such court-yard.

(3) The minimum width of every such court-yard shall be eight feet.

(4) No portion of any face of a dwelling-house abutting on such court-yard shall intersect any of a series of imaginary lines drawn across the court-yard from the opposite face of the house, at the level of the plinth, at an angle of sixty-three-and-a-half degrees with the horizontal :

Provided that the Corporation may, in their discretion, relax the provisions of this sub-rule in the case of a dwelling-house to which rule 24 is applicable.

(5) For the purposes of sub-rule (4), "the opposite face of the house" shall be deemed to be a vertical plane drawn through the most projecting portion of such face.

(6) Notwithstanding anything contained in sub-rule (4), a dwelling-house abutting on a court-yard of which the greater dimension does not exceed twice the less dimension, shall be held to comply with this rule if, by reason of its abutting on a court-yard of the same area but square in shape, the building would comply with this rule.

[Cf. 57 &
58 Vict. c.
218, n. 45.]

Open space in
rear of building,
regulating the
rear height.

30. (1) There shall be, at the back of every domestic building, an open space extending along the entire width of the building and forming part of the site thereof.

[Cf. 1899,
Sch. XVII,
r. 22.]

(2) The said space shall be of such width that any of a series of imaginary lines drawn across such

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rule 31.)

space at an angle of sixty-three-and-a-half degrees with the horizontal, from points on a level with the plinth of the building and situated on that side of the said space which is furthest from the building, shall not intersect any portion (other than open or balustrated parapets not more than four feet in height) of the building :

Provided as follows :—

- (i) the minimum width of such space shall be ten feet ; and,
- (ii) in the case of two-storeyed buildings, the angle referred to in this rule shall be increased from sixty-three-and-a-half degrees to sixty-eight degrees.
- (3) If it is proposed to erect one or more buildings on the site of an existing building or if two or more buildings are proposed to be erected on any one site (whether or not such buildings are connected by means of verandahs or gangways or in any similar manner), the open space referred to in sub-rule (1) shall be provided at the back of each such building.
- (4) This rule shall not apply in the case of—
 - (a) a building the back of which abuts on a public square or street not less than sixteen feet in width ;
 - (b) a building the back of which abuts on a public street less than sixteen feet in width, if the owner makes a free gift to the Corporation of all land comprised within the site of the building, which falls within eight feet of the centre line of such street as prescribed by the Corporation under rule 3, sub-rule (6) ; and
 - (c) a building to which rule 24 applies :

Provided that, in cases (a) and (b), the height of the building shall, in accordance with the provisions of rule 3, be regulated by the width of the public square or street on which it abuts.

(5) For the purposes of this rule, the back of a building shall be deemed to be that face of the building which is furthest from any street at the side of which the building is situated :

Provided that, where a building is situated at the side of more than one street, the back of the building shall, unless the Corporation otherwise direct, be deemed to be that face of the building which is furthest from the widest of such streets.

Relaxation of rule 30 in certain cases.

31. If any person desires to erect a domestic building upon a site which is of such a nature that it is impracticable to provide an open space in the rear of the building of the dimensions prescribed by rule 30, the Corporation may relax the provisions of that rule :—

Provided that—

- (a) such open space shall be left as the Corporation may consider practicable, having regard to all the circumstances of the case and

[cf. 1899, Sch. XVII, r. 28.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 32, 33.)

- (b) not more than two-thirds of the total area of the site shall be occupied by buildings.

Open space at sides of building.

32. (1) Except in the case of buildings to which rule 24 applies, if either side of a domestic building is not attached to the adjacent building, and if such side does not abut on a public square or street which is not less than six feet in width,

[Cf. 1899, Sch. XVII, r. 24.]

there shall be between the buildings an open space extending along the entire length of such side and forming part of the side of the said domestic building:

Provided that attachment of any building to the adjacent building shall not be allowed (except with the permission of the Corporation) if either of the buildings is a dwelling-house.

(2) The minimum distance across such space from every part of the said domestic building to the boundary line of the land or building immediately opposite such part shall be—

- (a) six feet, if there is a building next to such boundary line or within two feet of it, or
(b) four feet, if there is an open space of two feet or more on the other side of such boundary line:

Provided that,—

- (a) if the said domestic building has more than two storeys, such minimum distance shall be increased by two feet for every storey after the second; and
(b) for the purposes of this rule a staircase room shall not be deemed to be a storey.

(3) Notwithstanding anything contained in this rule, where a site adjacent to the site of a proposed building is not occupied by a masonry building situated within ten feet of the boundary line between the two sites and within twenty-four feet from the frontage of the street on which the two sites abut, the proposed building may, with the sanction of the Corporation, be erected along the said boundary line up to a depth of twenty-four feet from such street frontage, unless, in the opinion of the Corporation, there is any objection to any building which may be subsequently erected on the adjacent site being attached to the building so erected.

Court-yards and outward open spaces to be raised and kept open.

33. (1) Every court-yard of a building, and every open space prescribed by rule 30 or rule 32, shall be raised at least one foot above the level of the centre of the nearest street, so as to admit of easy drainage into the street.

[Cf. 1899, Sch. XVII, r. 25.]

(2) Every such court-yard and open space shall form part of the site of the building, shall be open to the sky throughout its entire area, and shall be kept accessible for the purpose of cleansing; and no structure shall be erected within or above, or so as to project over, the same:

Provided that—

- (a) a one-seated or two-seated connected-privy not exceeding forty square feet in floor-area, exclusive of walls, may be erected in the

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 34-40.)

the open space left under rule 30, sub-rule (2); and

(b) such privy may have as many storeys over it as there are storeys in the house to which it belongs, each of such storeys being connected with the main building by a gangway or bridge of not more than five feet outside width.

(3) The provisions of sub-rule (2) shall apply only to the minimum area prescribed under this schedule for any court-yard or open space referred to in the said sub-rule.

Paving and draining of court-yards and open spaces.

34. All court-yards in a domestic building, and all other open spaces therein not exceeding six feet in width, shall be paved with some impermeable substance and drained to the satisfaction of the Corporation.

[Cf. 1899, Sch. XVII, r. 25A.]

Space to be added to street not to be taken into account under rules 23, 24, 30 and 32.

35. For the purpose of calculating the open space required to be left under rules 23, 24, 30 or 32, no space which is to be made over to or acquired by the Corporation for widening any public street or for inclusion in any projected public street shall be taken into account.

Open space prescribed for one site not to be taken for another site.

36. No building shall at any time be erected on any open space prescribed under this schedule for a domestic building and forming part of the site thereof, nor shall such open space be taken into account in determining the area of any open space required, under this schedule, for any other building.

Position of privies in a domestic building.

37. No room other than a bath-room or privy shall be placed over a privy in a domestic building, and no privy shall be placed in a domestic building under any room other than a bath-room or privy.

[1899, Sch. XVII, r. 26.]

New building not to be used as dwelling-house without certificate from Health Officer.

38. (1) Before any new building (other than a hut) is used as a dwelling-house, the owner shall apply to the Health Officer for a certificate that the building is fit for human habitation.

(2) The Health Officer shall thereupon inspect the building and grant the said certificate or not, as he may think fit.

(3) No such building shall be used as a dwelling-house until the Health Officer has certified that it is fit for human habitation.

Part V.—Buildings of the warehouse class.

Height of buildings of the warehouse class.

39. (1) In applying rule 3, sub-rule (1), to any building of the warehouse class situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of sub-section (1) of section 325, the said sub-rule shall be read as if fifty-six-and-a-half degrees were substituted for forty-five degrees.

[Cf. 1899, Sch. XVII, r. 28.]

(2) Sub-rule (2) of rule 3, shall not apply to any such buildings.

Open spaces for buildings of the warehouse class.

40. The provisions of rules 29 to 36 as to domestic buildings shall have effect in the case of buildings of

[Cf. 1899, Sch. XVII, r. 29.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 41-45.)

the warehouse class which are not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of sub-section (1) of section 325.

Floors of certain buildings of the warehouse class.

41. The floor of every building of the warehouse class intended to be used for the manufacture or storage of articles for human consumption shall be constructed of some impermeable material approved by the Corporation. [Cf. 1899, Sch. XVII, r. 29A.]

Additional open space for buildings of the warehouse class for loading or unloading carts.

42. (1) Every building of the warehouse class shall, in addition to any open space prescribed under rule 40, have attached thereto, for the accommodation and passage of carts used for the loading and unloading of goods, an open space, forming part of the site of the building, of such size as the Corporation may consider sufficient, regard being had to the dimensions of the building and the nature and extent of the business to be carried on therein: [Cf. 1899, Sch. XVII, r. 29B.]

Provided that, if the Corporation consider that any court-yard, or any open space provided in pursuance of rule 40, is sufficient for the accommodation and passage of such carts, no separate space need be provided under this rule.

(2) No structure which would impede the passage of carts shall be erected within or above, or so as to project over any open space provided under this rule.

Part VI.—Public buildings.

Application of certain provisions of Part IV to public buildings.

43. (1) The provisions of rules 25, 26, 27, 28, 30, 31, 32, 34, 35, 36 and 37, as to domestic buildings, shall have effect in the case of public buildings. [Cf. 1899, Sch. XVII, r. 29C.]

(2) The provisions of rules 23, 24 and 29, as to dwelling-houses, shall have effect in the case of any public building which is constructed, used or adapted to be used wholly or principally for human habitation, or as a school, college or other place of instruction.

Use of incombustible or fire-resisting materials.

44. The floors of the lobbies, corridors, passages and landings of a public building shall be constructed of incombustible materials, the doors shall be constructed of fire-resisting materials, and the flights of stairs shall be constructed either of incombustible materials or of fire-resisting materials. [Cf. 1899, Sch. XVII, r. 29D.]

Materials to be deemed incombustible.

45. The following materials shall, for the purposes of rule 44, be deemed to be incombustible, namely:— [Cf. 1899, Sch. XVII, r. 29E.]

(a) brick-work constructed of good bricks, well-burnt, hard and sound, properly bonded and solidly put together with—

(i) good mortar compounded of good lime and sharp clean sand, hard clean broken brick, broken flint, grit or slag well pulverized, or

(ii) good cement mixed with any of the materials mentioned in sub-clause (i),

(b) granite and other stone which is suitable for building purposes by reason of its solidity and durability,

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 46-49.)

- (c) iron, steel and copper,
- (d) slate, tiles, bricks and terra-cotta, when used for coverings or corbels.
- (e) flag-stones when used for floors over arches, if not exposed on the underside and if not supported at the ends only,
- (f) concrete, composed of—
 - (i) broken brick, stone chippings or ballast and lime concrete or calcined gypsum—when the concrete is used for filling-in between joists of floors to a depth of less than five inches, or
 - (ii) properly burned coke breeze, free from dust and organic impurities, and good cement, in the following proportions, namely, five parts of coke breeze to one part of good cement mixed together with clean water—when the concrete is used for filling-in between the joists of floors to a depth of five inches or more, and
- (g) any material approved in that behalf from time to time by the Corporation.

Materials to be deemed to be fire-resisting but not incombustible.

46. The following materials shall, for the purposes of rule 44, be deemed to be fire-resisting, but not incombustible, namely:—

[Cf. 1899, Sch. XVII, r. 29F.]

- (a) *sal*, teak and other hard timber, when used for beams or posts or in combination with iron, the timber and the iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating,
- (b) in the case of doors, *sal*, teak or other hard timber not less than one and three-quarters of an inch thick, and
- (c) in the case of staircases, *sal*, teak or other hard timber, the treads and risers being not less than one inch and a half thick.

Walls for staircases.

47. The walls supporting or enclosing any staircase in a public building shall be of masonry and not less than ten inches thick.

[Cf. 1899, Sch. XVII, r. 29G.]

Uniformity in treads and risers in staircases.

48. The treads and risers of each flight of stairs in a public building shall be of uniform width.

[Cf. 1899, Sch. XVII, r. 29H.]

Width of staircases, internal corridors and passage-ways.

49. (1) No staircase, internal corridor or passage-way in a public building shall be less than six feet wide:

[Cf. 1899, Sch. XVII, r. 29J.]

Provided that, where not more than two hundred persons are to be accommodated in any public building, any staircase, internal corridor or passage-way may be of any width not less than five feet.

(2) Every staircase, internal corridor or passage-way in a public building, which communicates with any portion of the building intended for the accommodation of more than four hundred persons, shall be wider than six feet by six inches for every hundred persons over four hundred, subject to a maximum width of nine feet.

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 50-55.)

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), instead of a single staircase, corridor or passage-way of the width prescribed by sub-rule (2), there may be two staircases, corridors or passage-ways, each being of a width equal to at least two-thirds of the width so prescribed.

Division of
wide staircase
by hand-rail.

50. If the width of any staircase in a public building is eight feet or more, the staircase shall be divided by a hand-rail.

[Cf. 1899,
Sch. XVII, r.
29K.]

Separate means
of exit from
floors on different
levels.

51. If some of the persons accommodated in a public building are placed on a higher floor than others, separate means of exit, of the width prescribed by rule 49, sub-rules (1), (2) or (3), as the case may be, and communicating directly with a public street or an open space, shall be provided for each floor:

[Cf. 1899,
Sch. XVII, r.
29L.]

Provided that this rule shall not apply to a hotel or lodging-house, or to any public building which is used as a home, refuge or shelter.

Doors and
barriers to open
outwards.

52. All doors and barriers in a public building shall be made to open outwards, and no locks or bolts for closing the same from outside shall be affixed thereto.

[Cf. 1899,
Sch. XVII, r.
29M.]

External doors
of public build-
ings.

53. The Corporation may, by written notice, require the owner of any public building to provide the building with external doors or doorways of such number, height and width as the Corporation may consider necessary, or to cause the external doors thereof to be so constructed or altered as to open outwards.

[Cf. 1899,
a. 369.]

Part VII.—Applications for permission to erect new buildings (other than huts).

Application to
Corporation for
permission to
erect a masonry
new building.

54. (1) Every person who intends to erect a new building (other than a hut) shall send to the Corporation an application for permission to execute the work, together with a site-plan of the land, a plan of the whole building, separate plans of each floor of the building, complete elevations and sections of the work and a specification of the work.

[Cf. 1899, a.
370.]

(2) Every document referred to in sub-rule (1) shall contain the particulars and be prepared in the manner hereinafter in this part prescribed in this behalf.

Particulars to
be furnished in,
and with, such
application.

55. (1) Every application made under rule 54 shall be written on a printed form (to be supplied by the Corporation free of charge), and shall state the position of the site, the number assigned to it in the assessment-book and its dimensions, the description of the building and its dimensions, and such other particulars as may be prescribed by the Corporation.

[Cf. 1899,
Sch. XVII, r.
30.]

(2) The site-plan sent with such an application shall be drawn to a scale of not less than one-fiftieth

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rule 55.)

of an inch to the foot, shall be sent in triplicate, and shall show—

- (a) the boundaries of the site and of any contiguous land belonging to the owner thereof ;
- (b) the position of the site in relation to neighbouring streets ;
- (c) the name of the street in which the building is proposed to be situated ;
- (d) all existing buildings standing on the site ;
- (e) the position of the building, and of all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a), in relation to—
 - (i) the boundaries of the site,
 - (ii) all adjacent streets, buildings and premises within a distance of forty feet of the site and of the contiguous land (if any) referred to in clause (a), and
 - (iii) (if there is no street within a distance of forty feet of the site) some existing street or some street projected under section 309 or sanctioned under section 315 ;
- (f) the means of access from the street to the building, and to all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a) ;
- (g) the position and approximate height of all other buildings within forty feet of the site ;
- (h) the position, form and dimensions of privies, urinals, drains, cesspools, stables, cattle-sheds, cow-houses, wells and other appurtenances of the building ;
- (i) free passage or way in front of the building ;
- (j) space to be left about the building to secure a free circulation of air, admission of light and access for scavenging purposes ;
- (k) the width of the street (if any) in front, and of the street (if any) at the side or rear, of the building ; and
- (l) such other particulars as may be prescribed by the Corporation.

Explanation to clause (d).—If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified, and it shall be expressly stated in the aforesaid application that the applicant undertakes to demolish or alter the same, as the case may be.

(3) The plans of the building and the elevations and sections accompanying such an application shall be neatly and accurately drawn to a scale of not less

[*Cf.* 1899, Sess. XVII, r. 31.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 56, 57.)

than one-eighth of an inch to the foot and shall be sent in triplicate; and the said plans shall show—

- (a) the levels and width of the foundation of the building;
- (b) the level of the lowest floor of the building; and
- (c) the level of all court-yards and open spaces, and the plinth-level of the building, with reference to the level at the centre of the nearest street.

(4) The specification accompanying such an application shall comprise full information as to the following particulars, namely:—

- (i) the materials and method of construction to be used for external walls, party walls, foundations, roofs, floors, fire-places and chimneys;
- (ii) the manner in which roof and house drainage and the surface drainage of land will be disposed of;
- (iii) the manner (if any) in which it is proposed to pave the court-yards and open spaces, and the slope to which the surface is to be made in each case;
- (iv) the means of access that will be available to scavengers to get to service-privies;
- (v) the purpose for which it is intended to use the building;
- (vi) if the building is intended to be used as a dwelling-house for two or more families, or as a place for carrying on any trade or business in which more than twenty people may be employed, or as a place of public resort,—the means of ingress and egress to and from such building;
- (vii) any previous permission to erect a building on the same holding or site, or part thereof, which is still in force; and
- (viii) such other particulars as may be prescribed by the Corporation.

Explanation to clause (v).—If it is intended to use the building or any part thereof for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed or cow-house, the fact shall be expressly stated.

Signature of
plans, elevations
and sections.

56. The plans, elevations and sections referred to in rule 54 shall be signed clearly and in a prominent place by the owner of the building and by the licensed building surveyor who has prepared the same as required by section 324.

[*Cf.* 1899,
Sch. XVII, r.
28.]

Necessary employment of
licensed building
surveyor or other
competent person
to supervise building.

57. (1) Every person who intends to erect a new building (other than a hut) which is likely, in the opinion of the Corporation, to cost five thousand rupees or more shall employ a licensed building surveyor, or any other competent person who is approved by the Corporation, to supervise the erection of such building.

[*Cf.* Bom.
Act III of
1888, s. 344A.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 58, 59.)

(2) The name of the person to be so employed shall be stated in the application made, under rule 54, in respect of such building.

(3) If the person to be so employed is not a licensed building surveyor, the Corporation may, within seven days of the receipt of the said application, refuse to approve his employment, and may return the application for amendment;

and such application shall thereupon be deemed not to have been made until it has been re-submitted duly amended.

(4) If the person so employed dies or ceases to be so employed before the completion of the said building, the further erection of the same shall forthwith be suspended until—

(a) a licensed building surveyor whose name shall forthwith be reported to the Corporation, or

(b) any other competent person approved by the Corporation,

has been employed to supervise such erection.

Formulation of requirements and objections.

58. (1) All information and documents which it may be found necessary to require, and all objections which it may be found necessary to make before deciding whether permission to erect a new building (other than a hut) should be given, shall be respectively required and made in one requisition, and the applicant shall be apprised thereof at the earliest possible date.

[*Cf.* 1899, Sch. XVII, r. 34.]

(2) Within thirty days after the receipt of any application under rule 54 for permission to execute any work, the Corporation may require the applicant—

(i) to furnish them with any information on matters referred to in that rule which has not already been given in the documents received thereunder, or with any document prescribed by that rule which has not been sent in; or

(ii) to satisfy them that there are no objections which may lawfully be taken, on any of the grounds mentioned in rule 61, to the grant of permission to execute the work.

(3) If any information or documents furnished under sub-rule (2) are, in the opinion of the Corporation, incomplete or defective, they may, within thirty days after the receipt of the same, require further information or documents to be furnished.

(4) If any requisition made under sub-rule (2) or sub-rule (3) is not complied with within three months, the application received under rule 54 shall be deemed not to have been made.

Permission to execute work when to be given or refused by the Corporation.

59. (1) Within thirty days after the receipt of any application made under rule 54 for permission to execute any work, or of any information or documents or further information or documents required under this schedule, or within fifteen days after the Corporation have been satisfied that there are no

[*Cf.* 1899, s. 374.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 60-63.)

objections which may lawfully be taken to the grant of permission to execute the work,

the Corporation shall, by written order, either—

- (a) grant permission conditionally or unconditionally to execute the work, or
- (b) refuse, on one or more of the grounds mentioned in rule 61 or rule 65, as the case may be, to grant such permission.

(c) When the Corporation grant permission conditionally under clause (a) of sub-rule (1), they may in regard thereto impose such conditions, consistent with this Act, as they may think fit.

Remedy if Corporation delay grant or refusal of permission.

60. If within the period prescribed by rule 59, the Corporation have neither granted nor refused to grant permission to execute any work, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rules or by-laws made thereunder. [Cf. 1899, s. 376.]

Grounds on which permission to erect a masonry new building may be refused.

61. The only grounds on which permission to erect a new building (other than a hut) may be refused are the following, namely:— [Cf. 1899, s. 377.]

(1) that the work, or any of the particulars comprised in the site-plan, building-plans, elevations, sections or specification would contravene some specific provision of this Act or some specific order, rule or by-law made thereunder;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in this schedule;

(3) that, in the case of a new building (other than a hut) falling within the street alignment or building-line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the Improvement of Calcutta has not been obtained; Ben. Act V of 1911.

(4) that any of the documents referred to in rule 54 have not been signed as prescribed in rule 56;

(5) that any information or documents required by the Corporation under this schedule have not been duly furnished; or

(6) that the applicant has not satisfied the Corporation that there are no objections which may lawfully be taken, on any of the grounds mentioned in this rule, to the grant of the said permission.

Signature of approved plans.

62. When the Corporation have given permission to execute any work, the approved plans of the work shall be signed by such officer and in such manner as they may direct. [Cf. 1899, Sch. XVII, r. 35.]

Retention of plan and submission of fresh application, after refusal to permit execution of work.

63. When permission to erect a new building (other than a hut) is refused,— [Cf. 1899, s. 375 and Sch. XVII, r. 36.]

- (a) the Corporation shall retain one copy of the plans submitted, and shall without charge furnish the applicant with their reasons for such refusal, in writing, and

*(Schedule XVI.—Rules as to the use of building-sites
and the execution of building-work.—Rules 64-67.)*

(4) the applicant may at any time thereafter send to the Corporation a fresh application and fresh or modified documents under rule 54 framed with the object of meeting the objections for which such permission was refused.

Work not to be commenced unless and until permission given.

64. Subject to the provisions of rule 60, the erection of a new building (other than a hut) shall not be commenced unless and until the Corporation have granted written permission for the execution of the work on an application sent to them under rule 54.

[Cf. 1899, s. 872.]

Special power to Corporation to suspend or grant permission to erect a masonry building or convert huts, etc., into a masonry building.

65. Notwithstanding anything contained in rule 61—

[Cf. 1899, s. 873.]

(a) if any street shown in the site-plan is an intended private street, the Corporation may, in their discretion, refuse to grant permission to erect a masonry building or to convert one or more huts or temporary structures into a masonry building until the street is commenced or completed, and

(b) the Corporation may for special reasons grant permission to erect a masonry building, or to convert one or more huts or temporary structures into a masonry building, on any site without reference to its position in relation to any street.

Lapse of permission, if not acted upon within one year, or, if granted prior to 1st April, 1900, except in certain circumstances.

66. (1) If the erection of any new building (other than a hut) is not commenced, and a substantial portion of it is not completed, within one year after the date on which permission was given to execute the work, the work shall not be commenced or continued until a fresh application has been made and a fresh permission granted under this schedule.

[Cf. 1899, s. 874.]

(2) At any time before the expiry of one year from the date on which such permission was given, the person to whom it was granted may apply to the Corporation for a certificate that the building has been commenced and a substantial portion of it already completed; and the Corporation shall thereupon cause the said building to be inspected, and if they consider that a substantial portion of it has been completed, they shall grant a certificate to that effect.

(3) If any masonry building, permission to erect which was granted before the first day of April, 1900, has not been wholly completed at the commencement of this Act, the said permission shall be deemed to have lapsed, and any work done thereunder, after the commencement of this Act, shall be deemed to have been done without permission.

Power to Corporation to cancel permission on the ground of material misrepresentation by applicant.

67. If, at any time after permission to erect any masonry building has been given, the Corporation are satisfied that such permission was granted in consequence of any material misrepresentation or inaccuracy contained in the application made under rule 54, or in the plans, elevations, sections or specifications submitted therewith in respect of such building, they may cancel such permission, and any work done thereunder shall be deemed to have been done without permission.

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 68-77.)

Part VIII.—Huts.

Continuous lines.

68. (1) Huts in a *bustee* shall be built in continuous lines, in accordance with an alignment to be prescribed by the Corporation and demarcated on the ground, after hearing the objections (if any) of the owner of the *bustee*.

[Cf. 1899, Sch. XVII, r. 37.]

(2) If the Corporation are of opinion that huts in a *bustee* are likely to be erected hereafter on any vacant land they may, after hearing the objections (if any) of the owner of the land,—

(a) prescribe alignments for huts on such land, and

(b) from time to time alter such alignments.

Distance between eaves and alignment.

69. When an alignment has been prescribed under rule 68, no hut shall be erected so that the distance measured from its eave to such alignment is less than six feet.

[Cf. 1899, Sch. XVII, r. 38.]

Use of spaces referred to in rule 69.

70. All spaces referred to in rule 69, between a hut and an alignment, shall remain private property, subject to a right in the Corporation to use them for the purposes of scavenging or for any of the other purposes of this Act.

[Cf. 1899, Sch. XVII, r. 39.]

Erection of huts in a *bustee* in court-yard for habitation.

71. Notwithstanding anything contained in rule 68 or rule 69, huts in a *bustee* may, with the special sanction of the Corporation, be erected so as to form an open court-yard comprising at least one-fourth of the whole area occupied by the huts and court-yard.

[Cf. 1899, Sch. XVII, r. 40.]

Area of court-yard in huts not in a *bustee*.

72. Where huts other than huts in a *bustee* are erected so as to form an open court-yard, the area of the court-yard shall not be less than one-fourth of the area occupied by the huts and court-yard.

[Cf. 1899, Sch. XVII, r. 40A.]

Space between huts.

73. There shall be between any two huts a space of at least three feet, measured from eave to eave.

[Cf. 1899, Sch. XVII, r. 41.]

Distance of huts from metalled and sewer street.

74. Except with the sanction of the Corporation, no hut shall be placed at a greater distance than one hundred feet from the nearest part of a metalled and sewer street, unless there be a municipal or *bustee* drain at a distance of not more than twenty feet from the site of such hut.

[Cf. 1899, Sch. XVII, r. 42.]

Distance between hut and masonry building.

75. No portion of a hut shall be placed within six feet of a masonry building:

[Cf. 1899, Sch. XVII, r. 43.]

Provided that this rule shall not preclude the erection of huts in the compound of a masonry building in any case where masonry out-offices would be permissible.

Distance between hut and cow-house, etc.

76. No hut used for human habitation shall be placed within six feet of a cow-house, cattle-shed or stable.

Prohibition of projections or dropping of water over street or passage.

77. Every hut abutting on a street or passage, whether public or private, shall be constructed so as not to project over, or admit of water from the roof falling upon, or injuring, such street or passage.

[Cf. 1899, Sch. XVII, r. 44.]

*(Schedule XVI.—Rules as to the use of building-sites
and the execution of building-work.—Rules 78-83.)*

Height. **78.** No hut shall comprise more than two storeys or shall exceed twenty feet in height, measured from the top of the plinth to the junction of the walls with the roof. [*Cf.* 1899,
Sch. XVII,
r. 45.]

Plinth. **79.** The plinth of a hut shall be raised at least two feet above the level of the centre of the nearest street or passage, and the floor shall be of some impermeable material. [*Cf.* 1899,
Sch. XVII,
r. 46.]

Rooms. **80.** (1) The whole of at least one side of every room in a hut shall either be an external wall or abut on an open court-yard or on an open verandah. [*Cf.* 1899,
Sch. XVII,
r. 46A.]

(2) Every room in a hut, which is intended to be used as an inhabited room, shall—

(a) be provided with a doorway of not less than fifteen square feet in area;

(b) be provided with a window or windows opening directly into the external air or into an open verandah, and having an opening of not less than one-fifteenth of the floor area of the room;

(c) have a superficial area of not less than eighty square feet; and

(d) have a height of not less than eight feet measured from the top of the plinth to the junction of the walls with the roof.

Court-yards. **81.** (1) The court-yard (if any) of a hut shall be so raised that the upper surface shall be one foot above the level of the nearest street or passage, and shall be drained into the nearest drain. [*Cf.* 1899,
Sch. XVII,
r. 46B.]

(2) The width of such court-yard shall be not less than eight feet.

*Part IX.—Applications for permission to erect
new buildings which are huts.*

Application to be sent, and particulars furnished, to Corporation by person intending to erect a hut.

82. (1) Every person who intends to erect a new building which is a hut on any land shall send to the Corporation— [*Cf.* 1899,
a. 394.]

(a) an application for permission to execute the work,

(b) a site-plan of the land,

(c) a section of the hut, and

(d) a specification of the work.

(2) Every such application shall contain the particulars and be prepared in the manner prescribed in that behalf in this schedule,

and every such plan, section and specification shall be signed by the licensed building surveyor who has prepared the same as required by section 324. [*Cf.* Bom.
Act III of
1898, a. 399.]

Application or permission to erect a hut.

83. (1) Every application for permission to erect a new building which is a hut shall be written on a printed form to be supplied by the Corporation free of charge. [*Cf.* 1899,
Sch. XVII,
r. 47.]

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rules 84, 85.)

(2) If it is intended to use the hut, or any part thereof, for any of the purposes specified in Schedule XVIII, or as a stable, cattle-shed, or cow-house, the fact shall be expressly stated in the said application.

(3) The site-plan sent with such an application shall be drawn to a scale of not less than one-eighth of an inch to the foot, shall be sent in triplicate, and shall show—

- (i) the hut,
- (ii) the privy provided or to be provided for the use of occupants of the hut,
- (iii) the position and size of the doors and windows.
- (iv) all existing buildings standing on the site,
- (v) the means of access to the hut from the street or passage on which it abuts,
- (vi) the position of the hut in relation to all huts, streets, passages, privies and tanks within a distance of fifty feet from the site, and
- (vii) such other particulars as may be prescribed by the Corporation.

Explanation to clause (iv).—If it is intended to demolish or alter any existing building on the site, such building shall be particularly specified and it shall be expressly stated in the aforesaid application referred to in sub-rule (1) that the applicant undertakes to demolish or alter the same, as the case may be.

Power to Corporation to require further information or a proper site-plan.

84. (1) The Corporation may, on receipt of an application under rule 82, require the applicant—

[*Cf.* 1899, Sch. XVII, r. 48.]

- (a) to furnish them with any information on matters referred to in rule 82 which has not already been given in the documents received thereunder, or with a proper site-plan as prescribed by that rule, or
- (b) to satisfy them that there are no objections which may lawfully be taken, on any of the grounds mentioned in rule 88, to the grant of permission to execute the work.

(2) If any information or plan required under sub-rule (1) is, in the opinion of the Corporation, incomplete or defective, they may require further information or a fresh plan to be furnished.

(3) If any requisition made under sub-rule (1) or sub-rule (2) is not complied with within one month, the application received under rule 82 shall be deemed not to have been made.

Power to Corporation to employ licensed building surveyor to prepare site-plan, etc., for hut.

85. The Corporation may—

- (a) on the application of any person who intends to erect a new building which is a hut, and
- (b) on payment, by such person, of such fees as the Corporation may prescribe in that behalf,

employ a licensed building surveyor to prepare, in respect of such hut, the plans, sections and specifications prescribed by rule 82.

*(Schedule XVI.—Rules as to the use of building-sites
and the execution of building-work.—Rules 86-89.)*

Permission to
execute work
when to be given
or refused.

86. Within fourteen days after the receipt of any application made under rule 82 for permission to erect a new building which is a hut, or of any information or plan or further information or fresh plan required under this schedule, or within fourteen days after the Corporation have been satisfied that there are no objections which may lawfully be taken to the execution of the work, the Corporation shall, by written order, either grant such permission or refuse to grant the same on one or more of the grounds mentioned in rule 88.

[Cf. 1899,
s. 386.]

Remedy if
Corporation delay
grant or refusal
of permission.

87. If, within the period prescribed by rule 86, the Corporation have neither granted nor refused to grant permission to erect a new building which is a hut, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made thereunder:

[Cf. 1899,
s. 386.]

Grounds on
which permission
to erect a hut
may be refused.

88. The only grounds on which permission to erect a new building which is a hut may be refused are the following, namely:—

[Cf. 1899,
s. 386.]

- (1) that the work would contravene some specific provision of this Act or some specific order, rule or by-law made thereunder;
- (2) that the application for such permission does not contain the particulars, or is not prepared in the manner, prescribed in this schedule;
- (3) that, in the case of a new building which is a hut falling within the street alignment or building-line of a public street projected under section 63 of the Calcutta Improvement Act, 1911, the permission of the Chairman of the Board of Trustees for the Improvement of Calcutta has not been obtained;
- (4) that any plan, section or specification has not been signed as prescribed by rule 82, sub-rule (2);
- (5) that any information or plan required by the Corporation under this schedule has not been duly furnished; or
- (6) that the applicant has not satisfied the Corporation that there are no objections which may lawfully be taken, on any of the grounds mentioned in this rule, to the grant of the said permission.

Ben. Act V
of 1911.

[Cf. Bom.
Act III of
1898, s. 239.]

Retention of
plan, and sub-
mission of fresh
application, after
refusal of per-
mission to erect a
hut.

89. When permission to erect a new building which is a hut is refused,—

[Cf. 1899,
Sol. XVII,
r. 94]

- (a) the Corporation shall retain one copy of the plan, and shall without charge furnish the applicant with their reasons for such refusal in writing, and
- (b) the applicant may at any time send to the Corporation a fresh application and a fresh or modified plan under rule 82 framed with the object of meeting the objections for which such permission was refused.

*(Schedule XVI.—Rules as to the use of building-sites
and the execution of building-work.—Rules 90-94.)*

Work not to be commenced unless and until permission given.

90. Subject to the provisions of rule 87, the erection of a new building which is a hut shall not be commenced unless and until the Corporation have granted written permission for the execution of the work on an application sent to them under rule 82.

[Cf. 1899,
n. 389.]

Lapse of permission, if not acted upon within six months.

91. If the erection of any new building which is a hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this schedule.

[Cf. 1899,
n. 390.]

*Part X.—Application of rules in this schedule to
alterations of, and additions to, buildings.*

Relaxation of rule 3.

92. In applying rule 3 in the case of an alteration of, or addition to, any building, the angle at which the lines referred to in sub-rule (1) of that rule are to be drawn shall be fifty-six-and-a-half degrees instead of forty-five degrees:

[Cf. 1899,
Sch. XVII,
r. 50.]

Provided that nothing contained in this rule shall authorize any addition to a building which would make it higher than any building which, at the commencement of this Act, was standing on the same portion of the site.

Applicability of rules 80 and 82 to alterations and additions above the ground floor.

93. Rules 30 and 32 shall respectively apply to alterations of, or additions to, any domestic building, public building or building of the warehouse class (not situated in a locality in which the erection of buildings of the warehouse class is allowed by declaration under clause (d) of section 325) above the ground floor, even though the open spaces required under the said rules have not been left on the ground floor.

Restriction on application of rules 54 to 67, or 82 to 91.

94. (1) Rules 54 to 67, or rules 82 to 91, as the case may be, shall not be applied in the case of any alteration of, or addition to, a building unless one or more of the following works is or are undertaken, namely:—

[Cf. 1899,
Sch. XVII,
r. 52.]

- (a) the construction or re-construction of a roof or an external or party wall,
- (b) any repairs to the building which involve the re-construction of—
 - (i) a masonry wall,
 - (ii) the floor of a room (excluding the ground floor),
 - (iii) a lift-shaft, or
 - (iv) a chimney

after the same has been entirely or in great part demolished,

- (c) the closing of any door or window in an external wall,
- (d) the construction of an internal wall or partition,
- (e) any other alteration of the internal arrangements of a building which affects an alteration of its court-yard or court-yards or its drainage, ventilation or sanitary arrangements, or which affects its security,

(Schedule XVI.—Rules as to the use of building-sites and the execution of building-work.—Rule 95.)

- (f) the addition of any building, room, out-house or other structure,
- (g) the roofing of any space between one or more walls and buildings,
- (h) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (i) the conversion of two or more places of human habitation into a greater number of such places, or
- (j) the alteration of a building for the purpose of effecting a partition amongst joint owners.

(2) In the case referred to in clause (g) of sub-rule (1), the said rules 54 to 67, or rules 82 to 91, as the case may be, shall apply only as regards the structure which is formed by roofing a space, and not as regards adjoining buildings.

Grant of provisional permission to proceed with work in cases of urgency.

95. (1) If, in any case of urgency arising from causes beyond his own control, any person desires to undertake without delay any of the works referred to in rule 94, he may send to the Corporation an application for provisional permission to proceed with the work.

[Cf. 1899, Sch. XVII, r. 60.]

(2) Such application shall contain an explanation of the urgency and a general description of the work proposed to be undertaken.

(3) Within a period of three days after the receipt of any such application, the Corporation shall, by written order, either grant or refuse to grant provisional permission to proceed with the work.

(4) If, within the said period of three days, the Corporation have neither granted nor refused to grant such provisional permission, the same shall be deemed to have been granted and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or of any rule or by-law made thereunder.

(5) Whenever such provisional permission is granted, and in any case provided for by sub-rule (4), the applicant shall, within fifteen days, send to the Corporation a regular application for permission to execute the work; and if he fails to do so, the provisional permission shall be deemed to be withdrawn.

SCHEDULE XVII.

RULES FOR THE INSPECTION AND REGULATION OF
LAND AND BUILDINGS.

[See sections 361 (11), 374, 378 and 478.]

Power to inspect premises for sanitary purposes.

1. (1) The Corporation may cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof. [Cf. 1899, s. 439.]

(2) If the Corporation have reason to believe that any building (not being a students' hostel) is used as a public lodging-house or is let out in rooms to twelve or more lodgers, such inspection may be made at any time by day or by night.

Power to Corporation to require cleansing and lime-washing of building.

2. If it appears to the Corporation necessary for sanitary reasons so to do, they may, by written notice, require the owner or occupier of any building inspected under rule 1 to cause the same or any portion thereof to be lime-washed or otherwise cleansed, either externally or internally or both externally and internally. [Cf. 1899, s. 440.]

Power to Corporation to require owner to secure, enclose, cleanse, or clear land or building which is untenanted, filthy or a nuisance.

3. If any land or building, [Cf. 1899, s. 441.]

- (a) by reason of abandonment or disputed ownership or for any other reason, remains untenanted and thereby becomes a resort of idle and disorderly persons, or
- (b) is in a filthy or unwholesome state, or
- (c) is complained of by any two or more of the persons residing in its neighbourhood as a nuisance,

the Corporation, after due inquiry, may give written notice to the owner, if he be known and resident in Calcutta, or to any person who is known or believed to claim to be the owner, if such person be resident in Calcutta,

and shall also affix a copy of the said notice on the door of the building or on some conspicuous part of the land, as the case may be,

requiring the said owner or the persons concerned in the land or building, whoever they may be, to secure, enclose, cleanse or clear the same.

Power to Corporation to demolish, repair or secure building or fixture in a ruinous state, etc.

4. (1) If any building, or anything affixed thereto, be deemed by the Corporation to be in a ruinous state, or likely to fall, or to be in any way dangerous, they shall forthwith cause a written notice to be served on the owner, if he be known and resident in Calcutta, and also to be put on some conspicuous part of the building or served on the occupiers (if any) thereof, requiring such owner or occupier forthwith to demolish, repair or secure such building or thing as the case may require. [Cf. 1899, s. 348 and 442.]

(2) The Corporation may also, if it appears to them to be necessary to do so, cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such building, for the safety of the public or the inmates thereof; and may also require the inmates of the building to vacate it.

(Schedule XVII.—Rules for the inspection and regulation of land and buildings.—Rules 5-7.)

(3) The provisions of this Act and of any rules or by-laws made thereunder relating to buildings shall apply to any work done in pursuance, or in consequence, of a notice issued under sub-rule (1).

Power to Corporation to sell materials of buildings demolished in pursuance of notice issued under rule 4.

5. If any building, or any part of a building, be demolished by the Corporation under section 500, in pursuance of a notice issued under rule 4, they may sell the materials thereof and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore to the owner any surplus arising from such sale.

[Cf. 1899, s. 445.]

Further powers to Corporation with reference to overcrowded buildings.

6. (1) Whenever the Corporation consider--

[Cf. 1899, s. 446.]

- (a) that any building is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation, or by reason of the impracticability of cleansing, attended with risk of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or
- (b) that any block of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

they may cause a written notice to be fixed to some conspicuous part of the building or block, requiring the owners or occupiers thereof, or, at the option of the Corporation, the owners of the land occupied by such building or block, to execute such works or take such measures as the Corporation may deem necessary for the prevention of such risk.

(2) Where any building, in respect of which a notice has been issued under sub-rule (1), has been demolished in pursuance of an order made by a Magistrate under section 361, the Corporation shall make reasonable compensation to the owner thereof.

Power to Corporation to direct the filling up, etc., of unwholesome wells, pools, etc.

7. (1) When--

[Cf. 1899, ss. 343 and 447.]

- (a) any well, pool, ditch, tank, pond, pit or marshy or undrained ground, or
- (b) any cistern, reservoir or water-butt or any other receptacle or place where water is stored or accumulates, or
- (c) any waste or stagnant water, whether within any private enclosure or not,

[Cf. Bom. Act III of 1888, s. 381, as amended by Bom. Act VI of 1913.]

appears to the Corporation to be injurious to health or offensive to the neighbourhood or in any other respect a nuisance, they may, by written notice, require the owner or occupier of--

- (i) the land or building to which such well pertains, or
- (ii) such pool, ditch, tank, pond, pit, ground, cistern, reservoir, water-butt, receptacle, place or water,

to cleanse or to fill up the same with suitable material or to drain off or remove water therefrom or to take such other order therewith as the Corporation may deem necessary.

(Schedule XVII.—Rules for the inspection and regulation of land and buildings.—Rule 8.)

(2) If the Corporation, in exercise of the powers conferred by section 500, execute any work referred to in a notice issued under sub-rule (1), and if the person liable to pay the expenses of such work fails to pay the same, the Corporation may, until such expenses are paid,—

(i) lease any part of the land used in connection with the said well, pool, ditch, tank, pond, pit, cistern, reservoir, water-butt, receptacle, place or water, or any part of the said ground, as the case may be, or

(ii) retain possession of the same, or the site thereof, and utilize it for public purposes.

(3) If the said expenses be paid by an occupier of land, he may deduct the same from any rent due to the owner of the land.

Power to Corporation to regulate excavations.

8. (1) The Corporation may, by a general order, or by an order to affect such portion of Calcutta as may be specified therein, prohibit—

[Cf. 1899, s. 448.]

(a) the making of excavations for the purpose of taking earth therefrom, or of storing rubbish or offensive matter therein, and

(b) the digging of cesspools, tanks, ponds, wells or pits, without the special permission of the Corporation.

(2) Every such order shall be published in the *Calcutta Gazette*.

(3) No person shall make any excavation referred to in clause (a) of sub-rule (1), or dig any cesspool, tank, pond, well or pit, in contravention of any such order.

(4) If any such excavation, cesspool, tank, pond, well or pit is made or dug after the publication of any such order and without the permission required thereby, the Corporation may, by written notice, require the owner or occupier of the land on which the same is made or dug to fill it up with earth or other material approved of by the Corporation.

SCHEDULE XVIII.

[Cf. 1899,
Sch. XVIII.]

CERTAIN PURPOSES FOR WHICH PREMISES MAY NOT BE
USED WITHOUT A LICENSE.

[See sections 380, 384, 484 and 485, and Schedule XVI,
rules 55 (4) and 83 (2).]

- (1) Casting metals.
- (2) Manufacturing bricks, pottery or tiles.
- (3) As a knacker's yard.
- (4) As a hide godown or hide screw-house.
- (5) As a manufactory or place of business from which offensive or unwholesome smells, fumes, or dust arise.
- (6) As a depôt for hay, straw, wood, coal or rags.
- (7) Packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

cloths in indigo or	pottery,
other colours,	
paper,	silk.

- (8) Storing, packing, pressing, cleansing, preparing or manufacturing, by any process whatever, any of the following articles, namely:—

blasting powder,	horns,
blood,	iron,
bones,	jute,
brass,	leather,
candles,	lime,
catgut,	manure,
chemical preparations,	matches for lighting,
china grass,	meat,
cocoanut fibre,	nitro-glycerine,
cotton (other than	offal,
cotton pressed into	oil,
bales), or cotton	oil-cloth,
refuse or seed,	pitch,
dammer,	rags,
dynamite,	rosin,
fat,	saltpetre,
fins,	skins,
fireworks,	soap,
fish,	spirits,
flax,	steel,
flour,	sugar,
fulminate of mercury,	sulphur,
gas,	surki,
grain,	tallow,
gun-cotton,	tar,
gun-powder,	tin,
hair,	tobacco,
hemp,	tow,
hides,	turpentine,
hoofs,	wool.

SCHEDULE XIX.

FORM OF CERTIFICATE.

[Cf. Ben.
Act VI of
1913, Sch.]

(See sections 415 and 417.)

To¹

I, the undersigned, public analyst for the
do hereby certify that I received on the
day of 19, from² a
sample of for analysis (which then
weighed³) and have analysed the same
and declare the result of my analysis to be as
follows:—

I am of opinion that the same is a sample of

Observations.⁴

Signed this day 19 .

A. B.

at

¹ Here insert the name of the person submitting the article for analysis.

² Here insert the name of the person delivering the sample. If the sample is received by post or by railway, entry should be made accordingly.

³ When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

⁴ Here the analyst may insert, at his discretion, his opinion as to whether the mixture (if any) was for the purpose of rendering the article potable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether it was in excess of what is ordinary, or otherwise.

NOTE.—In the case of a certificate regarding milk, butter or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

SCHEDULE XXII.

FORM OF NOTICE TO BE ISSUED ON YELLOW PAPER AND [Cf. 1899, Sch. XXI.]
AFFIXED ON PREMISES WHEN OTHER MEANS OF
SERVICE NOT AVAILABLE.

(See sections 494 and 495.)

To (name and address)

[or, to the owner or occupier of (number of building or description of land and number of premises in assessment-book).]

Take notice that a bill (or, as the case may be) has been issued against you to the following effect (state the substance of the document) and that you are required to (state the requirement as mentioned in the document).

Dated this day of

(Signature of municipal officer
or other person issuing the notice.)

STATEMENT OF OBJECTS AND REASONS.

The Calcutta Municipal Act, 1899 (Bengal Act III of 1899), has been in force since the 1st April, 1900, and the constitution which it prescribes is no longer suited to modern conditions. The Corporation have frequently represented the difficulties which arise owing to the existence of the three independent and co-ordinate municipal authorities; and the Royal Commission upon Decentralization were strongly impressed with the necessity of relieving the Chairman of the ever-growing responsibility of presiding at all meetings of the Corporation and the General Committee; and at practically all Special and Sub-Committees. The present Bill provides for the abolition of co-ordinate authorities, for the paramountcy of the Corporation in matters relating to municipal administration, and for the appointment of a President—to be called Mayor—and a Chief Executive Officer, both of whom will be elected by the Corporation, the election of the latter being subject to approval by Government. Matters relating to elections and assessment will be mainly in the hands of the Chief Executive Officer, who will also be invested with such powers and duties as the Corporation may think fit: he will be permitted to delegate them to such officers as he considers necessary, and it will be open to the Corporation to revise their delegated powers from time to time. Broadly speaking the Chief Executive Officer will carry on the purely administrative work, and the Mayor, who will be elected from among the members of the Corporation, will preside at the meetings of the Corporation. The Chief Executive Officer will have the right of attending all meetings of the Corporation and of offering explanation and information, but he will not have the right to vote or make any proposition at such meetings. Provision has also been made for the election of Deputy Mayors and for the appointment of Deputy Executive Officers. The present posts of Vice-Chairman and Deputy Chairman will no longer be necessary and it is proposed to abolish them. Besides this, it is proposed to enlarge the constitution of the Corporation, and an endeavour has been made to provide for the adequate representation of all sections of the community. The opportunity has also been taken to revise the Act of 1899 so as to overcome practical difficulties which have been experienced as the result of over twenty years' working, and some new provisions have been introduced dealing with matters of municipal administration which are not provided for by the existing law.

II. It is proposed to increase the number of members of the Corporation from fifty to eighty, of whom nine-tenths will be elected by various constituencies, nearly three-fourths being elected by the general electorate. This number has been fixed with the object of providing for the representation of all classes of the community, and in particular of the Muhammadans, who, though comprising slightly over a quarter of the population of the city, are practically unrepresented at present, except through Government nominees, owing to the disproportionate smallness of their voting power as compared with that of other communities. To secure an adequate representation of the Muhammadan community it is proposed to reserve seats for Muhammadans, to be elected by the general electorate, in those wards where there is a substantial element of Muhammadan voters. Under this system, out of the 55 seats to be filled by election by the general electorate 13 seats, as shown in Schedule III, will be reserved for Muhammadan Councillors. The European community will be entitled to return their representatives through the general electorates in the European wards; in addition to this it is proposed to increase the representatives of the Bengal Chamber of Commerce on the enlarged Corporation from four to six. Following the English system, provision has been made for the election of five Aldermen, who will be co-opted by the Municipal Councillors. This will involve a reduction in the number of Government nominees from fifteen to eight. The existing and the proposed constitutions are indicated below for purposes of easy comparison:—

<i>Existing.</i>			
Elected Commissioners (one for each ward)	...	...	25
Commissioners appointed by the Bengal Chamber of Commerce	...	...	4
" " the Calcutta Trades Association	...	...	4
" " the Port Commissioners	...	...	2
" " Government	...	...	15
			—
	Total	...	50
			—

Proposed:

Ward Councillors elected by the general electorates (including 18 Mohammedan Councillors)	...	...	55
Councillors elected by the Bengal Chamber of Commerce	...	...	5
" " the Calcutta Trades Association	...	...	4
" " the Port Commissioners	...	...	2
Aldermen " the Corporation	...	...	5
Councillors appointed by Government	...	...	8
		Total	80

III. (a) The provisions of the Bill dealing with the election of Councillors and Aldermen, the qualifications of voters and of candidates and the procedure at elections follow as closely as possible the Bengal Electoral Rules as passed by Parliament for the Bengal Legislative Council, while retaining the distinctive features of franchise and procedure that are considered necessary for the Corporation. Provision has been made for securing returns of election expenses, for dealing with corrupt practices and undue influence, and for the final decision of doubts and disputes as to the validity of elections. The whole of Act XXXIX of 1920 (The Indian Elections Offences and Inquiries Act) has been made applicable to the election of Councillors.

(b) The qualifications of electors are at present—(i) ownership or occupation of land; (ii) possession of a trades and professions license; or (iii) payment of Rs. 24 as rates and taxes. Generally speaking a payment of about Rs. 24 per annum forms the minimum qualification in each case. It is proposed that persons paying Rs. 12 per annum as rates or taxes, or both, or Rs. 25 per mensem as rent should be entitled to vote. Plural voting will be abolished except that a rate-payer will have one vote in every ward in which he pays rates, taxes or rent qualifying him for the vote, and that voters will have as many votes as there are vacancies, giving one vote for each candidate.

IV. It is proposed to amplify the provisions contained in section 96 of the existing Act relating to the appointment of Special Committees. The Bill provides for the appointment of two kinds of Committees, namely, Standing Committees and Special Committees. The Corporation are authorized to delegate any of their powers, duties or functions to Standing Committees. These Committees will deal with all matters comprised in their delegation as they arise, and their proceedings, when confirmed by the Corporation, will become resolutions of that body. Power has however been given to the President of these Committees to direct that action shall be taken in accordance with the decision of the Committee without waiting for confirmation of their proceedings by the Corporation if they consider that serious inconvenience would result from delay in taking such action. The Corporation may also delegate certain subjects (to be specified in a resolution) to Standing Committees for final disposal without being subject to confirmation. Special Committees are intended to be appointed to inquire into and report upon specific matters which may arise in the course of the administration, and they will confine their inquiry to such matters. They will ordinarily deal with important questions in which a full inquiry is necessary, while the Standing Committees will deal with matters of ordinary administration. With regard to Standing Committees, however, certain special provisions have been introduced. The number of members of such Committees is limited to twelve and no Councillor or Alderman may be a member of more than three Standing Committees or the President of more than one. The object of these provisions is to induce Councillors to take a special interest in some particular branch or branches of the administration, and thus to enhance the efficiency of the work done by these Committees.

V. (a) Under the existing Act the different municipal rates are levied as one consolidated rate, but the various funds are nevertheless kept distinct.

This only leads to complications in the accounts without producing any corresponding advantage. The Bill provides for the amalgamation of the four existing funds, and for only one consolidated rate which will not exceed the maximum of 28 per cent. on the annual valuation as at present levied under Chapter X of the existing Act.

(b) A special procedure will be adopted, as in Bombay, for the assessment of Government buildings and lands. Power has been taken by the Local Government to direct that open spaces and public grounds, which are the property of Government, shall be exempted from the consolidated rate.

(c) A special procedure has been prescribed for the assessment of all buildings and lands comprised within the area of an improvement scheme under execution by the Improvement Trust. At present a great deal of unnecessary labour is thrown both on the Trust and on the Assessment Department of the Corporation in transferring to the account of the Trust the assessment of acquired holdings and in retransferring them after sale. Considerable labour is also involved in dealing with remissions claimed by the Trust separately for each property. The Bill provides that all properties which belong to the Board of Trustees and are included within the area of an improvement scheme shall be given one single valuation as in the case of the properties of the Port Commissioners. When any land or building, or portion thereof comprised within the scheme area is transferred by the Trust, a new apportionment of the assessment may be made on the application of the owners. Again, the Chief Executive Officer is authorized immediately to revalue any buildings or land, or portion thereof, transferred by the Trust, in view of the fact that the value of such land or building will usually be enhanced in value by the improvements executed by the Trust, and an all-round allowance is to be made for remissions for vacancies instead of requiring a separate application to be made in respect of each individual holding.

(d) It is proposed to introduce a tax on dogs. The tax proposed is Rs. 2 per annum, and is intended to act more as a check upon the growing nuisance of ownerless dogs than as a means of revenue.

(e) Under the present law, motorbories, trailers, and similar vehicles pay the same tax as bullock-carts, viz., Rs. 4 every half-year, although they cause infinitely more damage to roads. The tax at present paid on motor-cars is also inadequate, and it is proposed to increase the levy on all motor-vehicles to a reasonable figure. Provision has also been made to prescribe by means of by-laws a minimum width for the tyres of cars, and to increase this width proportionately to the load.

VII. The distinction between "street alignment" and "building-line" has been made clear. The provisions relating to huties have been remodelled. Proposed section 355 provides for the removal of huts from a street alignment or from the space within 6 feet on either side of a prescribed hut alignment, after the expiration of seven years from the time when the street or hut alignment was prescribed. The principle of this provision is new, but it has received the approval of the Corporation. Otherwise the provisions of Chapter XXII merely aim, in the light of several legal decisions, at making the meaning of the original sections more explicit and clear.

VIII. In connection with the regulation of buildings, provision has been made for the licensing of Building Surveyors as recommended by the Corporation. No plan of a proposed new building will be sanctioned unless it is prepared and signed by a Licensed Building Surveyor, and the construction of all buildings costing Rs. 5,000 or upwards must be supervised by a Licensed Building Surveyor or by a person approved by the Corporation.

VIII. The development of building sites which, owing to size or shape or to the want of road frontage or proper means of access are unsuitable for building upon is to a certain extent provided for by sections 364 to 366 of the existing Act, but there are so many practical difficulties in the way that these sections have never actually been worked. In Bombay the important question of the development of building sites is dealt with in a separate Act (see Bombay Act I of 1919) on the lines of the Housing, Town-planning, etc., Act, 1909 (9 Edw. 7, c. 44), and it is thought that it will be best to deal with

building sites in Calcutta in a separate Bill. It is proposed, therefore, to omit altogether from the present Bill the provisions of sections 364 to 366 of the existing Act.

IX. Power is given to require the demolition of a building, which has been declared unfit for human habitation, provided such declaration has been in force for three months.

X. The Corporation are given power to construct swimming-baths, and where an emergency arises, to open depôts for the purpose of trading in food-stuffs, fuel, cloth and other similar necessities of life, always with the previous sanction of the Local Government.

XI. The question of food adulteration is dealt with in the Bill in a more comprehensive manner than has been attempted hitherto. A definition of "adulterated" has been inserted in clause 3 and it is made an offence to sell, expose or hawk about for sale, manufacture, or store for sale any article of human food which comes within that definition. Besides this, proposed section 401 makes special provision for the regulation of the sale of milk, butter, *ghee*, mustard oil, wheat, flour, or any other article of food, or any drug which may hereafter be notified in that behalf by the Local Government. A strict standard of purity is prescribed in respect of each of these articles, and it is made an offence to sell, expose for sale, manufacture or store for sale anything which falls short of this standard. The existing law has been found inadequate to check food adulteration in Calcutta, and in the interests of the public health it is considered necessary to have recourse to more drastic legislation, and in particular to provide for the purity of the main staple articles of food which appear to be most liable to adulteration.

XII. The Corporation desire that they should be given ample powers to ensure the purity of the milk-supply, and the Bill contains provisions, based on English legislation, which are intended to meet their wishes. It is essential for adequate control over the milk-supply of Calcutta that the Corporation should be enabled to reach the sources of supply, which for the most part lie outside municipal limits. The surrounding municipalities are, however, not ready to surrender to the Corporation the power of inspecting and controlling cowsheds within their own jurisdiction and the exercise of large powers by Corporation officers in these areas would be liable to cause friction. It is thought that the desired object can be achieved by the licensing of all Calcutta dairymen and the registration of all dairies in Calcutta. The granting of a license will be subject to certain statutory conditions (*cf.* proposed section 421 of the Bill), and the Health Officer is given power (*v.* proposed section 423) to obtain information regarding the sources of any supply believed to be infected or exposed to infection, and in such cases to cause dairies and milch cattle, even outside the city limits, to be inspected. Proposed section 425 enables the Health Officer to seize diseased milch cattle and to send them to a veterinary hospital for treatment.

XIII. It is proposed to include within Calcutta, for the purpose of reclamation, a small plot of land now lying within the Tollygunge Municipality, the inclusion being subject to the condition that the Corporation should pay to the Tollygunge Municipality compensation equivalent to the amount of the revenue for ten years now derived by the latter from this area.

XIV. Every change of any importance which it is proposed to make in the existing law is explained in detail in the subjoined Notes on Clauses, it being thought desirable, in the case of a measure of this magnitude and importance, to afford the Council the fullest possible assistance in its consideration. A Table has also been prepared and annexed to the Bill showing which provisions of the existing Act have been omitted from the Bill and giving brief reasons for such omissions. The Table also indicates where the provisions of the existing Act which have been retained are reproduced in the Bill.

NOTES ON CLAUSES.

CHAPTER I.

Clause 1.

Sub-clause (3), proviso, reproduces the corresponding provision in section 1 (3), proviso, of Bengal Act III of 1899, as originally enacted. It is necessary that a general election and appointment of Councillors should be held and made in good time before the 1st April on which the proposed Act comes into operation, so that the new Corporation may be fully constituted by that date. The subject-matter of the proviso would not be covered by section 23 of the Bengal General Clauses Act, 1899.

Ben. Act I of
1899.

Clause 2.

Sub-clause (1) formally repeals the Calcutta Municipal Act, 1899, and the Calcutta Municipal (Loans) Act, 1914, and the Calcutta Municipal (Amendment) Act, 1917, which amended the first Act.

Ben. Act III of
1899.
Ben. Act IV of
1914.

Sub-clauses (2) and (3) are saving clauses which are necessitated by the fact that section 25 of the Bengal General Clauses Act, 1899, does not cover all the requirements of the present case.

Ben. Act I of
1899.

Clause 3.

Sub-clause (1) defines the term "adulterated" in relation to food and drugs, there being no such definition in the existing law. The new definition is inserted with reference to the new and more stringent provisions as regards the manufacturing, storing and selling of articles of food and drugs in Chapter XXVIII of the Bill. (See paragraph XI of the Statement of Objects and Reasons.)

Sub-clauses (2), (11), (14), (17), (28) and (57) introduce new definitions of the terms "agent," "candidate," "Commissioners," "corrupt practice," "election agent" and "returned candidate" respectively for the purposes of the provisions dealing with elections and election petitions.

Sub-clause (3) introduces a definition of "assessment-book." Since the term is used frequently throughout the Bill it is desirable to have a definition in this clause.

Sub-clause (6) inserts a definition of the term "building," the absence of which in the existing law has given rise to much difficulty in interpreting the building rules and regulations. The definition is based on the definition of "building" in section 3 (s) of the City of Bombay Municipal Act, 1888.

Bom. Act I of
1888.

Sub-clause (7) amends sub-clause (3) of section 3 of the existing Act so as to cover the case of projected public streets referred to in clause 309 and following clauses.

Sub-clause (9).—The definition of "bustee" has been made wider than in the existing law, and the definition of "bustee land" has been omitted for reasons explained in the note on clause 162, *post*.

Sub-clause (16) inserts a definition of "connected-urinal" on the lines of the definition of "connected-privy" in the existing Act.

Sub-clauses (19) and (20) define the terms "dairy" and "dairyman" for the purposes of the provisions regarding milk-supply in new chapter XXIX.

Sub-clause (21) introduces an altered definition of the term "dangerous disease" in view of the wording of clause 423.

Sub-clause (29) defines the phrase "Executive Officer."

Sub-clause (30) defines the term "food" for the purposes of the provisions dealing with food and drugs. The definition is taken from section 2(2) of the Bengal Food Adulteration Act, 1919 (Bengal Act VI of 1919).

Ben. Act I of
1899.

Sub-clause (32) introduces a definition of "half-year." The financial year, as defined in section 3 (16) of the Bengal General Clauses Act, 1899, is the standard of time governing the business transactions of the Corporation.

Sub-clause (35) now makes it clear that the walls of a hut are "material portions" thereof.

Sub-clause (39) defines the term "milk" in relation to the provisions regarding milk-supply.

57 & 58 Vict., c.
ccxiii.

Sub-clause (43) inserts a definition of "new building" which is based on the definition of the same term in the London Building Act. This definition takes the place of the definition in the existing Act of the term "re-erect" which has given rise to much difficulty in interpreting the building rules and regulations.

Sub-clause (45) makes an amendment in the definition of "occupier" so as to cover the case of an owner using his own building as a factory or other place of business.

Sub-clause (50) amends the definition of "private street" in the existing Act so as to meet the case of an owner who divides up his land into separate plots for building purposes. The terms "square" and "court" are omitted since they are not properly included in this definition.

Sub-clause (51) introduces a definition of "public analyst" for the purposes of the provisions regarding food and drugs.

Sub-clause (53).—The terms "square" and "court," which occur in the definition of "public street" in the existing Act, have been omitted for the same reasons as in the case of the definition of "private street."

Ben. Act VI of
1914.

Sub-clause (55) introduces a definition which is necessitated by the passing of the Bengal Medical Act, 1914.

Sub-clause (60) inserts a definition of "service-urinal" on the lines of the definition of "service-privy" in the existing Act.

Sub-clause (66) inserts a definition of "year" on the same lines as the definition of "half-year."

CHAPTER II.

Clauses 5 and 6.

These clauses deal with the constitution of the Corporation, which has already been explained in the Statement of Objects and Reasons. (*See paragraph II thereof.*)

Clause 7.

This clause is based on rule 4 of the Bengal Legislative Rules and introduces a new Schedule III enumerating the names of the constituencies and the number of Councillors to be elected by each constituency and the number of seats to be reserved for Muhammadan Councillors in any constituency.

Clause 8.

This clause provides for the election of five Aldermen by the Councillors.

Clause 9.

This clause reproduces section 14 of the existing Act, but the provisions making it obligatory on the Corporation to devote not less than certain fixed sums of money every year to the extension of drainage, the improvement of *bustees* and the development of the added area have been omitted as these matters have now received their full share of attention and it is not considered necessary to impose any further special obligations in respect of them. The objects to which the Corporation may devote their funds have, at the request of that body, been specified in greater detail.—*See sub-clauses (iv), (v), (vi) and (xii) of this clause.*

Clause 10.

This clause reproduces section 17 of the existing Act with such consequential amendments as are required by the abolition of the General Committee. It now merely provides that the Corporation shall "consider" the annual report.

Clause 11.

This clause provides for the delegation of the Corporation's powers, duties or functions to the Chief Executive Officer, and the Chief Executive Officer is authorized to redelegate his powers, etc., to such officers as he considers necessary.

The exercise or discharge of the powers, duties or functions is subject to control and revision by the delegating authority, except where the Corporation in delegating their powers to the Executive Officers direct otherwise.

Clause 13.

The minimum cost of any project requiring Government sanction before any work can be commenced in pursuance thereof, is now fixed at 2½ lakhs, instead of 1 lakh as in the existing Act.

Clause 17.

The existing section has been modified in consequence of the amalgamation of the existing rates and the provision of one consolidated rate. (*See paragraph V of the Statement of Objects and Reasons.*)

CHAPTER III.

Clause 18.

This clause corresponds to section 37 of the existing Act and provides for the qualifications of electors. Persons paying at least twelve rupees *per annum* either in respect of the consolidated rate or in respect of taxes levied under Chapter XI or Chapter XII or in respect of both such rate and taxes or paying at least twenty-five rupees *per mensem* as rent are entitled to be electors. *Sub-clause (2)* amends sub-section (3) of section 37 of the present Act so as to entitle an association of individuals to vote only by a representative but not to be enrolled in the election-roll. *Sub-clause (4)* introduces provisions about qualifications of electors of the three special constituencies, viz., the Bengal Chamber of Commerce, the Trades Association and the Calcutta Port Commissioners.

This clause also abolishes plural voting in any one constituency and provides that notwithstanding the number of qualifications which a voter possesses his name shall be entered only once in the electoral-roll of any one constituency.

Clause 19.

This clause, which is based on rule 5 of the Bengal Electoral Rules, corresponds to section 39 of the existing Act. It contains a list of the general disqualifications for being elected or appointed a Councillor or an Alderman.

Clause 20.

This clause is based on rule 6 of the Bengal Electoral Rules, and provides that a person must be registered on the electoral-roll of a general constituency to be eligible for election as a Councillor to represent a general constituency, and that his name must be registered on the electoral-roll of a special constituency to make him eligible to represent that constituency.

Clause 21.

This clause is based on rule 7 of the Bengal Electoral Rules, and introduces provisions for the general conditions of registration on the electoral-roll.

Clause 22.

This clause, which is based on rule 9 of the Bengal Electoral Rules, corresponds to section 36 of the existing Act. It contains the rule making power about the preparation of the electoral-roll and makes Schedule IV of the existing Act unnecessary.

Clause 23.

This clause reproduces rule 10 of the Bengal Electoral Rules, and provides that every person registered on the electoral-roll of a constituency shall have the right to vote at an election of that constituency.

Clause 24.

This clause reproduces rule 11 of the Bengal Electoral Rules, and contains the provision about nomination of candidates.

Clause 25.

This clause introduces a provision regarding the return of candidates without a poll being held.

Clause 26.

This clause is based on rule 12 of the Bengal Electoral Rules. *Sub-clause (1)* corresponds to section 52 of the existing Act, but provision has been made prohibiting Government to give votes at an election. *Sub-clause (7)* provides for cases where equality of votes is found to exist between any candidates at an election.

Clause 27.

This clause is based on rule 13 of the Bengal Electoral Rules, and corresponds to section 54 of the existing Act. Power is given to the Local Government to make rules for the conduct of election. Schedule V of the existing Act will be therefore unnecessary.

Clause 28.

This clause, which is based on rule 14 of the Bengal Electoral Rules provides for cases of election of the same person by more than one constituency.

Clauses 29 to 32.

These clauses are based on rules 15, 16, 17 and 19 of the Bengal Electoral Rules. It is considered desirable that persons who seek election as Councillors shall also appoint election agents, and submit a return of election expenses. These provisions will tend to purify municipal elections.

Clause 35.

This clause is based on rule 21 of the Bengal Electoral Rules, and corresponds to section 60 of the existing Act. It is considered desirable to give to the Local Government power to extend the term of office of Councillors and Aldermen for a period not exceeding one year.

Clause 36.

This clause provides for the resignation of office by a Councillor or an Alderman.

Clause 37.

This clause, which is based on rule 23 of the Bengal Electoral Rules and section 40 of the existing Act, provides that on the occurrence of any of the disabilities mentioned in the clause the Local Government shall declare the seat to be vacant.

Clause 40.

It is considered desirable to include in the Bill a provision based on rule 25 (3) of the Bengal Electoral Rules for dealing with any possible difficulty regarding the holding of first elections under the proposed Act.

Clause 41.

This clause which contains provisions for general elections is based on rule 26 of the Bengal Electoral Rules, and corresponds to section 53 of the existing Act.

Clauses 42 to 58.

It is considered desirable to include in the Bill provisions for the final decision of doubts and disputes as to the validity of an election based on rules 29 to 45 of the Bengal Electoral Rules. Provision has also been made in clause 55 for declaring void an election which is vitiated by a corrupt practice as described in Schedule IV.

Clause 59.

It is considered desirable to apply the provisions of Part II of the Indian Elections Offences and Inquiries Act, 1920, to an inquiry into an election petition under the proposed Act.

Clause 60.

This clause reproduces rule 46 of the Bengal Electoral Rules. It confers on the Local Government the power to interpret the provisions of Chapter III otherwise than in connection with an election inquiry.

CHAPTER IV.

Clause 61.

This clause is based on the provisions of sections 63, 64 and 65 of the existing Act. The restriction by which certain appointments and the limits of certain salaries were subject to the approval of the Local Government is confined to the appointment of certain principal officers mentioned in sub-clause (1).

Clause 62.

This clause which is new enumerates the powers of the Chief Executive Officer.

Clause 66.

The existing law has been amplified by providing the Corporation with power to make rules for the grant of compassionate allowances and gratuities to the families of deceased municipal officers and servants, and of deputation allowances to municipal officers and servants on the establishment.

The amount of pensions, gratuities and compassionate allowances, will in no case, except with the special sanction of the Government of India, be more favourable than those given to Government servants of similar standing and status.

Clause 67.

This clause adds to the provisions of section 76 of the existing Act by providing for contributions to a Provident Fund. The term "family" has also been defined for the purposes of this chapter, the definition followed being that in force in the Civil Service Regulations (Article 740).

CHAPTER V.

Clause 68.

At all meetings of the Corporation, according to the proposed changes in the constitution, the Mayor is to replace the Chairman, and this clause provides that all meetings of the Corporation save those referred to in clause 69, are to be convened by him.

Clause 69.

This clause is taken from section 36 of the City of Bombay Municipal Act, 1888. It is necessary that the first meeting of a new Corporation, before the Mayor has been elected, should be convened by the Chief Executive Officer. Bom. Act III of 1888.

Clause 70.

This clause provides for the election of a Mayor and Deputy Mayor of the Corporation, and for the filling of vacancies. It follows the Bombay precedent.

Clause 73.

The same powers are given to the Mayor and the Deputy Mayor when, presiding at the meetings of the Corporation, as are now enjoyed by the Chairman under section 81 of the existing Act.

Clause 74.

In view of the increase in the number of members of the Corporation the quorum for meetings has been raised to eighteen.

Clauses 78 and 80.

It is proposed that the Corporation should deal with all contracts and tenders. Sub-clause (5) of clause 80 empowers the Corporation to dispense with calling for tenders in special cases on the lines of section 72(3) of the City of Bombay Municipal Act, 1888. The want of such a power has often been felt by the Corporation. Bom. Act III of 1888.

Clauses 82 and 83.

These clauses take the place of sections 95 and 96 of the existing Act and provide for the constitution of Standing and Special Committees, as explained in paragraph IV of the Statement of Objects and Reasons.

CHAPTER VI.

Clause 88.

It is proposed to amalgamate the different Municipal Funds prescribed by section 103 of the existing Act and to have only one consolidated rate instead of the several rates which are now levied as one consolidated rate. (See paragraph V of the Statement of Objects and Reasons.)

Clause 90.

This clause provides that all moneys payable to the credit of the Municipal Fund shall be paid into the Imperial Bank of India.

Clause 91.

Sub-clause (1) increases the number of persons authorized to sign cheques on behalf of the Corporation.

Sub-clause (3) reproduces section 112(3) of the existing Act with this modification, that the limit of Rs. 1,000 as regards the drawing of cheques is omitted. The placing of such a limit has been found to cause unnecessary trouble in making payments.

Clause 92.

Sub-clause (2) places beyond the possibility of doubt the legality of the payment of the Calcutta Improvement Trust contribution, which has been doubted in some quarters.

Clause 93.

Sub-clause (g).—This new sub-clause is added to cover sums payable as compensation under any rule or by-law made under the proposed Act.

Clause 97.

The wording of section 119 of the existing Act has been modified. Surplus cash may be deposited in the Imperial Bank of India or in any other bank or banks in Calcutta approved by the Local Government.

CHAPTER VII.

Clause 99.

This clause corresponds to section 121 of the existing Act, but the drafting has been altered owing to the proposed abolition of the General Committee and other constitutional changes. The provisions of this clause have also been made more comprehensive in view of the omission of the provisions of sections 122, 123, 124 and 125 of the existing Act, which are no longer required since the General Committee are to be abolished. It is also proposed to increase the minimum closing balance to six lakhs as that sum has been found necessary to meet ordinary liabilities, and this has accordingly been provided for in clause 100.

CHAPTER VIII.

Clauses 102 to 123.

This chapter reproduces Chapter X of the existing Act as substituted by the Calcutta Municipal (Loans) Act, 1914, with the necessary modifications resulting from the changes in the municipal constitution or in other points of detail which are proposed in this Bill. In accordance with the policy adopted throughout the Bill, all provisions in the existing Act requiring that certain matters shall be referred to "special meetings" of the Corporation have been omitted. Power has been taken in clause 112 (2) (ii) for the raising of short term loans by the Corporation. The Corporation have frequently asked for this power.

Ben. Act IV
1914.

CHAPTER IX.

Clauses 124 to 127.

These clauses reproduce sections 142, 143, 144 and 146 of the existing Act with such modifications as are necessary owing to the abolition of the General Committee and other constitutional changes. No provision need now be made for the payment of auditors [*see* section 143 (3) of the existing Act], as the audit of the municipal accounts is now conducted by the Accountant-General free of charge.

No provision requiring the Executive Officer to send to each Councillor and Alderman a copy of the auditors' report (*see* section 144 of the existing Act) is now necessary, as the auditors now submit their report to the Corporation direct.

CHAPTER X.

Clauses 128 and 129.

The changes made in the provisions of sections 147 and 148 of the existing Act and the omission of the provisions of section 149 of that Act are due to the amalgamation of the separate funds. The reduction of the water-rate under the proviso to section 147 of the existing Act is negligible, being estimated at only 01 per cent. The proposed changes have been explained in detail in paragraph V of the Statement of Objects and Reasons.

Clause 130.

Power has been taken by the Local Government in sub-clause (2) to direct the exemption of open spaces and parade grounds, being the property of Government, from the consolidated rate.

Sub-clause (4) reproduces section 150 (3) of the existing Act, but it is proposed to dispense with the control of the Local Government in the matter of exempting certain buildings and land from the consolidated rate.

Clause 131.

Proviso (ii) reproduces section 151 (ii) of the existing Act with modifications which are intended to meet the contention that lifts or electric fittings are machinery and should therefore be excluded from the valuation of a building.

Clauses 132, 133 and 134.

These clauses and sub-clauses (i), (i) and (j) of clause 135 (4) introduce special statutory procedure for the assessment of Improvement Trust properties. At present a great deal of unnecessary labour is thrown both on the Trust and on the assessment department of the Corporation in transferring to the account of the Trust the assessment of acquired holdings and in retransferring them after sale. Considerable labour is also involved in dealing with remissions claimed by the Trust separately for each property. These clauses provide for all properties which belong to the Board of Trustees and are included within the area of an improvement scheme being given one single valuation, as in the case of the properties of the Port Commissioners. When any land, or building or portion thereof comprised within the scheme area, is transferred by the Trust, a new apportionment of the assessment may be made on the application of the Trust instead of an application being required from a moiety of the owners. Again, the Executive Officer is authorized immediately to revalue any building, or land or portion thereof transferred by the Trust, in view of the fact that such land or building will usually be enhanced in value by the improvements executed by the Trust.

Clause 135.

The opportunity has been taken to modify the provisions of section 152 of the existing Act considerably. Sub-section (1) of that section has been recast so as to save and continue valuations made under the existing Act, and the word "districts" has been replaced by the word "wards" in this clause. This last change merely follows the existing practice, as the "districts" for assessment purposes have always been the wards. As a result of the changes made in this clause, Schedule VII of the existing Act will no longer be necessary. Sub-clause (2) has been inserted to provide for the valuation of the new areas which it is proposed to include in Calcutta. Again in sub-clause (4) (a) it is proposed to omit the reference to "lands that are waste or are used for agricultural purposes." There is no reason why such lands should be revalued within the six-yearly period, and in practice such intermediate valuations are never made. Sub-clause (4) (d) has been introduced with a view to providing for the valuation of any new building erected during the currency of the assessment period. The provision for such valuation is not very clear in the existing Act. Sub-clauses (4) (h), (i) and (j) have been explained in the notes on clauses 132, 133 and 134.

Clause 137.

As mentioned in the note on clause 135, the "districts" prescribed by section 134 of the existing Act have, in practice, always been the wards. This clause therefore provides that the valuations shall be carried out by wards. For the same reason, 'ward' has replaced 'district' in clause 140.

Clause 139.

The corresponding section 156 of the existing Act does not provide for all the details which are necessary in order to arrive at a correct valuation to be entered in the return. This deficiency has been made good.

Clause 141.

There is very little advantage in differentiating between the case of *bustees* and other lands and buildings so far as the question of the notice to be given when the assessment is increased is concerned, and *bustees* have therefore been included in clause 141. The removal of this distinction has also necessitated a consequential change in the provisions of section 160 (2) of the existing Act, which are reproduced in clause 142 (2).

Clause 146.

Sub-clause (1) (c)—Under the existing law the names and places of abode of persons primarily liable to pay the consolidated rate have to be entered in the municipal assessment-book. The proposed sub-clause renders the underlying intention quite definite by specifically requiring the entry in the assessment-book of the names and places of abode of owners and of the names only of occupiers.

Sub-clause (2) prescribes the municipal assessment-book. A definition of "assessment-book" has been inserted in the Bill. [See note on clause 3 (3).]

Clause 148.

This clause is based upon section 149 of the City of Bombay Municipal Act, 1888. In order to prepare a correct election-roll, and also for many other reasons, it is necessary that the assessment-book should be kept correct up to date, and it is considered that little hardship will be entailed in requiring that all transfers of title in immovable property should be reported to the Executive Officer.

Bom. Act III
of 1888.

Clause 150.

This clause reproduces the provisions of section 169 of the existing Act, but the wording has been modified with a view to make the intention clearer.

Clauses 154 and 155.

The wording of sections 173 and 174 of the existing Act has been simplified, but without any substantial change in their purport.

Clause 157.

This clause reproduces section 176 of the existing Act, but it is thought desirable to calculate the period of limitation from the date of payment instead of from the date on which notice is given. The present procedure has proved unworkable, and is also unfair in some cases.

Clause 158.

This clause is taken from section 152 of the City of Bombay Municipal Act, 1888. Under the existing law remission of rates is granted for the period during which a holding is unoccupied, and it is very difficult for the Corporation to know when it is re-occupied unless the owner is required to give notice of the fact. A clause to this effect is considered to be very necessary to prevent loss of rates.

Bom. Act III
of 1888.

Clause 159.

The language of the existing section has been considerably simplified without however altering its provisions.

Clause 160.

This clause, which corresponds to section 178 of the existing Act, has been made to apply to "land" as well as to buildings.

Clause 162.

This clause reproduces section 180 and part of section 182 of the existing Act, with modifications. It is proposed to abandon the practice of assessing masonry building in a *bustee* as *bustee* holdings, and to value them under the ordinary provisions relating to the valuation of buildings. Under the existing law "*bustee land*", as defined in section 3 (6), excludes any portion of a *bustee* in which the owner of the land is also the owner of a hut. This gives rise to difficulty when the huts of the tenants fall, as they occasionally do, into the hands of the landlord. In the Bill, the above definition is not included, and it is therefore necessary to provide in this clause that the deduction of one-eighth from the rate should not be allowed in case of huts owned by the landlord of the *bustee* as that deduction is intended to be allowed for the expense and possible loss involved in collecting the hut-owner's share of the rates. Sub-clause (2) is taken from section 182 of the existing Act, which it is proposed to omit from the Bill.

Clause 165.

This clause reproduces section 185 of the existing Act, but the portion relating to provisional registration is omitted as it has been found that such registration is never resorted to in practice.

Clause 167.

This clause corresponds to section 187 of the existing Act and, with the exception of the provisos, the changes made are purely verbal and have been inserted merely with a view to render the intention clearer. The provisos are new and are intended to cover the case of a holding which is sub-divided or amalgamated on re-valuation. Such cases were apparently not contemplated when section 187 of the existing Act was originally enacted, but it is most necessary that they should be provided for. The course proposed is that the rate should be paid on the new valuation pending the determination of the objection, and, if it is reduced on the objection being decided, a refund of the excess should be made.

Sub-clause (3) contains provisions similar to those obtaining in Bombay determining the manner in which the amount of money due to the Corporation in lieu of the consolidated rate on account of Government buildings and lands shall be ascertained.

CHAPTER XI.

Clause 168.

This clause reproduces section 188 of the existing Act with certain amendments. The exemption, by clause (a) of section 188, of carriages, none of the wheels of which exceed 24 inches in diameter, from the payment of the tax on carriages has operated to exclude motor-cars and other similar vehicles having wheels which do not exceed 24 inches in diameter. As, however, there are no grounds for the exemption of such cars, it is desirable that the provisions of the above-mentioned clause should be repealed. Clause (e) has been omitted as being no longer necessary.

Clause 170.

Sub-clause (2), proviso.—This proviso has been added with the object of making it clear that the tax leviable in respect of carriages and animals is not to be levied over again in any one half-year should such carriages or animals change hands during that period.

Clause 175.

This clause reproduces section 196 of the existing Act, with some verbal alterations made with a view to make the intention clearer.

Clauses 176 and 177.

These clauses introduce new provisions for imposing a yearly tax on dogs. These provisions are much the same as those relating to the tax on carriages and animals, except that the license will be an annual one and all licensed dogs will be required to carry a number-ticket. (*See paragraph V (d) of the Statement of Objects and Reasons.*)

CHAPTER XII.

Clause 178.

This clause reproduces section 198 of the existing Act, the wording of which has been altered so as to get rid of the separate references to "persons" and "associations" in view of the definition of "person" in section 3(32) of the Bengal General Clauses Act, 1899, which includes companies and associations. A similar change has been made in other clauses where the word "person" occurs. The first proviso is new and is designed to meet the contention that the grant of a license under section 198 is some sort of guarantee that the licensee will not be required to secure any other license which he may be required, under other sections of the existing Act, to take out in order to enable him to carry on his business in the manner in which he desires. The tax on trades and professions is merely a means of raising revenue, and the Corporation are bound, under section 198 of the existing Act, to grant the necessary license; but it was never intended that the grant of such license should exempt the holder from taking out any other license under the law. As, however, the point is sometimes disputed, it is considered advisable to insert in the Bill a provision which will make the position quite clear.

Clause 179.

This clause is the same as section 199 of the existing Act, with the exception that some of the particulars required to be stated in every license under the existing law now form part of the general requirements governing the issue of licenses which are contained in clause 488.

Clause 181.

This clause reproduces section 201 of the existing Act, but it is proposed to make its provisions applicable to owners as well as to occupiers of premises.

CHAPTER XIII.

Clauses 182 and 183.

These clauses reproduce sections 203 and 204 of the existing Act, respectively, but introduce provisions for the levy of the scavenging-tax on account of markets. A very large quantity of refuse accumulates on premises which are used as markets, and the intention of section 203 of the existing Act (read with Schedule IX) evidently was that this scavenging-tax should also be payable in the case of markets; but the reference to the number of animals kept has given rise to the interpretation that such a tax can only be levied in the case of cattle markets. The new provision in these clauses meets this difficulty. In clause 182 it is considered unnecessary to provide for the fixing of any rates other than those prescribed in Schedule VIII, which have been carefully calculated according to the cost of removing the refuse. It is not proposed to retain in the Bill the power to make by-laws for prescribing rates for license-fees which is given by section 203 of the existing Act, or the provisions *re* preparation of half-yearly lists of licensees which are incorporated in section 205 of that Act.

CHAPTER XIV.

This chapter corresponds to Chapter XVI of the existing Act and is almost identical with it. The changes made are purely verbal.

CHAPTER XV.

Clause 186.

This clause amalgamates the provisions of sections 208 and 210 of the existing Act.

Clause 187.

Sub-clause (1) corresponds to section 209(1) of the existing Act, but it is proposed to provide for an enhanced fee in the case of carts propelled by mechanical power and of trailers drawn by such carts. This is intended to meet the case of motor-lorries and road-trains, which do a great deal of damage to the roads and which at present pay the same fee as bullock-carts. A provision has also been introduced for making a charge of one rupee for the number-plates to be affixed to carts, such fee being returnable if the number-plate is given back in serviceable condition. At present cheap locally made number-plates are affixed which are frequently imitated. It is proposed, therefore, to use enamelled number-plates in future, which will be more expensive, but which it will be difficult to imitate.

Clause 188.

This clause reproduces the provisions of section 209(4) of the existing Act which it is thought desirable to insert as a separate clause in the Bill.

CHAPTER XVI.

Clause 200.

This clause introduces provisions for the issue of a fresh warrant for the recovery of the balance of the sum due, if the sale-proceeds of the property distrained under the original warrant are not sufficient to cover the whole of such sum.

Clause 202.

The provisions of section 223 of the existing Act do not cover the case of a purchaser of a share of any land or building. It is proposed to remedy this defect by extending the provisions of this clause to such purchasers.

Clause 208.

It is proposed to authorize the Corporation to realize the carriage and horse tax from hackney-carriage owners in the same way as from other owners of horses and carriages. The exception made in section 229 (1) of the existing Act with regard to hackney-carriage owners is apparently based upon section 190 of that Act, which provides that hackney-carriages shall not be registered under the Calcutta Hackney-carriage Act, 1891, until the carriage and horse tax has been paid; but hackney-carriage owners ordinarily keep a certain number of spare horses the tax on which cannot be realized under the provisions of section 190. The provisions of this clause will facilitate the levying of the tax on all horses owned and used by hackney-carriage owners.

Ben. Act II of
1891.

Clause 212.

This clause corresponds to section 233 of the existing Act, but it has been considered desirable to apply the provisions of certain other sections, besides those already mentioned in sub-section (2) of that section, to the case of a warrant of distress issued for the recovery of certain taxes other than the consolidated rate.

Clause 213.

This clause provides for the seizure of the goods of hawkers who have not taken out a license. This is the only available method of realizing the tax in such cases, as it is impossible to trace these hawkers and to apply to them the ordinary provisions for the recovery of taxes. A similar power is given by section 214 of the City of Bombay Municipal Act, 1888, with regard to vehicles which have not paid toll.

Bom. Act III of
1888.

Clause 215.

In addition to reproducing the provisions of section 235 of the existing Act this clause provides specifically for striking off the books irrecoverable demands, other than demands on account of the consolidated rate or any other tax. At present the Chairman, in the exercise of his ordinary executive authority, orders such sums as he considers to be irrecoverable to be written off, but it is considered desirable to make specific provision for this in the Bill.

CHAPTER XVII.

Clause 217.

This clause provides for the continuation of the supply of unfiltered water wherever it is already being supplied, and leaves it to the discretion of the Corporation to extend the supply to any part of Calcutta in which it does not exist.

Clause 218.

This clause combines the provisions of sections 238 and 239 of the existing Act; but the power of the Corporation under the latter section to supply unfiltered water to bathing platforms is done away with, as unfiltered water is considered insanitary for bathing purposes and as filtered water can now easily be supplied to all bathing platforms.

Clause 219.

This clause reproduces the provisions of section 240 of the present Act, but gives the Corporation power to provide hydrants in the filtered as well as in the unfiltered water systems.

Clause 220.

This clause makes it clear that a pressure of not less than 40 feet must be kept up in the municipal mains for the supply of filtered water throughout the 24 hours, though power is given to the Corporation to authorize a lower pressure, if necessary.

Clause 222.

This clause combines the provisions of sections 244 and 245 of the existing Act, but provides for the use of filtered water to extinguish fire in case of emergency.

Clause 224.

This clause reproduces the provisions of section 247 (2) of the existing Act, but the last part of the sub-section is not included as it is considered unnecessary.

Clause 225.

It is proposed to increase the free allowance of filtered water from 4,000 to 5,000 gallons for every rupee of water-rate; but as no separate water-rate is now imposed, the allowance has been calculated on the consolidated rate on the assumption that the water-rate would be six *per cent.* out of a total consolidated rate of twenty *per cent.* This calculation would give a free allowance of fifteen hundred gallons for every rupee paid at the consolidated rate. It is also provided that the free allowance shall in no case be less than twenty, or more than fifty, gallons per head per day, calculated upon the ordinary number of persons residing on the premises. In the case of the poor, a free allowance, based solely on the amount of rates paid, sometimes causes hardship, and it is thought that every person ought to be entitled to at least twenty gallons of filtered water a day irrespective of the rates which he pays. On the other hand, it is considered that fifty gallons per head per day is more than sufficient for anybody, and it is proposed to limit the free allowance to this quantity, even though the valuation of the premises would entitle the occupier to a much larger supply. In the possible contingency of the Corporation hereafter deciding to discontinue the unfiltered water-supply, power is given to the Local Government to increase the free allowance of filtered water.

Clause 226.

This clause permits the occupier of any premises to bring into the premises a supply of filtered water and also of unfiltered water. Under section 249 of the existing Act it is only the occupier of a masonry building who is permitted to have water connection. It is proposed to allow such connections to any premises whether consisting of buildings or open lands or both, with the reservation, as provided in clause 231, that huts shall not be directly connected with the water-supply except for the purpose of flushing privies attached to them.

Clause 229.

This clause corresponds to section 282 of the existing Act which has thus been transposed to a more appropriate position.

Clause 230.

This clause corresponds to section 253 of the existing Act, but the word "premises," as including buildings as well as land, has been substituted for the word "building." In proviso (a) power is given to the Corporation to pay the cost of connecting any premises with the water-supply under this clause out of the Municipal Fund if the owner is too poor to bear the same.

Clause 231.

This clause introduces provisions to prohibit the direct connection of a hut to the water-supply except for the purpose of flushing a connected-privy attached to the hut. (*See note on clause 226.*)

Clause 232.

Sub-clause (1) proviso, reproduces the proviso to section 254 of the existing Act with the additional requirement that only filtered water is to be supplied in cases where the Corporation think that the supply of unfiltered water may lead to contamination.

Clause 234.

This clause provides for the contingency of the Corporation desiring to discontinue the unfiltered water-supply. No such proposal is actually in contemplation now, but it is undesirable that the Corporation should be legally bound to maintain an unfiltered water-supply, even though it might be more satisfactory to substitute filtered water for it.

Clause 237.

This clause introduces provisions based on section 273 of the City of Bombay Municipal Act, 1888. It is certainly desirable that the Corporation should own and maintain all service water-pipes and fittings in streets, but the expenses and responsibility of maintaining them are considerable. It is desirable, however, that the Corporation should have the power of taking over such pipes and fittings, if they are willing to undertake the expense of maintaining them.

Clause 239.

It is proposed to give the Corporation a free hand in the matter of fixing water-meters. In some cases such meters are fixed in whole districts. The provisions of sub-sections (2), (4) and (5) of section 270 of the existing Act have not been included in the Bill. They were inserted in the Act for the purposes of the then proposed block-meter system, which was subsequently abandoned. No occupier ever applies to have a meter attached to his premises, and there is no reason why he should do so.

Clause 240.

This clause reproduces the provisions of section 271 of the existing Act, but introduces new provisions to deal with matters which have given rise to difficulties under the existing law. If there are several separate occupiers in a building it is impossible to ascertain which of them has used more than the allowable quantity of water, and the only method of realizing the excess charge is to make the owner pay it and recover from his tenants. This is provided for in sub-clause (2). Sub-clauses (3) and (4) deal with cases in which there is a change of occupier during a quarter. They make the last occupier liable for the whole excess unless he has had the meter read at the time when he came into occupation.

Clause 242.

This clause is necessary in view of the fact that the rules regulating the use, maintenance and testing, etc., of meters have been transferred to Schedule XIII.

Clause 243.

Sub-clause (1) is taken from section 286 of the City of Bombay Municipal Act, 1888. When a meter, for instance, is tampered with in private premises, it is almost impossible to discover the offenders. It is therefore proposed to provide that the occupier shall be presumed to be liable, until the contrary is proved. Bom.
1888

Sub-clause (2) merely reproduces the provisions of section 276(2) of the existing Act, which, it is thought, fall more appropriately into this place.

Clause 244.

This clause reproduces the existing section except that two other municipalities have been added, namely, Panihati and Tollyganj.

Clause 248.

Three new sub-clauses (h), (i) and (j) have been added to the provisions of section 283 (1) of the existing Act. The first explains itself. The second is intended to enable the supply of water to be cut off without 24 hours' notice in cases in which a tap is found missing and the water is running continuously to waste. Such cases are by no means uncommon. The third additional sub-clause enables the Corporation to cut off the water at once in order to prevent damage to the public street. Provision has also been made in sub-clause (2) of this clause for realizing the cost of restoring the connection as well as that of cutting it off, but it is proposed to exclude from the application of this provision cases in which the connection is cut off in unoccupied premises and in premises declared unfit for human habitation.

CHAPTER XVIII.

Clause 255.

This clause amalgamates the provisions of sections 290 and 291 of the existing Act. Power has expressly been given to the Corporation to carry municipal drains under buildings, as it has been held that "land" in section 290 (1) and (2) of the existing Act means vacant land not occupied by buildings.

Clause 256.

This clause corresponds to section 292 of the existing Act. It is proposed in sub-clause (2) to include the owner of a private street, wall or other structure in the liability for the expenses of removing or otherwise dealing with the same under this clause. This is expedient as the "person offending" may be a contractor or a servant of the owner.

Clauses 265 and 266..

These clauses reproduce sections 301 and 302 of the existing Act, but it has not been thought necessary to retain in clause 265 any provisions dealing with the construction of new house-drains seeing that clause 266 (1) adequately provides for such constructions. Section 301(3) now appears as clause 266 (2). It is to be noted that the owner alone is made liable under these clauses.

Clause 268.

Sub-clause (2) corresponds to section 307 (2) of the existing Act, but further provides that the owner of the land on which a hut stands shall be liable for the cleansing, repair and maintenance of a surface drain constructed to serve such hut.

Sub-clause (3) is intended to meet the contention sometimes put forward that section 307 of the existing Act is the only section which empowers the Corporation to deal with the drainage of *bustees* or huts.

Clause 271.

The provisions of section 310 relating to the fees to be levied under the section and the manner of the recovery of such fees have not been included in this clause as they are covered by the general provisions of clauses 488 (2) and 516.

Clause 272.

This clause corresponds to section 311 of the existing Act, but it has been amplified on the lines of section 247 of the City of Bombay Municipal Act, 1888, which relates to bathing and washing place accommodation as well as to privy and urinal accommodation for new buildings.

Clause 273.

This clause corresponds to section 312 of the existing Act, but has been amplified on the lines of section 248 of the City of Bombay Municipal Act, 1888.

Clause 274.

This clause lays down that the requisition referred to therein is to be made on the owner of the premises. The occupier is not to be called upon except in the circumstances mentioned in clause 287. (See note on clause 287.)

Clause 275.

This clause reproduces, with a few verbal alterations, the provisions of section 31½ of the existing Act. It is proposed in the Bill to amalgamate the provisions of Schedules XV and XVI to the existing Act and include them in one Schedule.

Clause 280.

This clause reproduces the provisions of section 320 of the existing Act, but empowers the Corporation to cleanse or open out any house-drain which is obstructed and to direct that the owner or the occupier shall pay the expenses of the work.

Clause 281.

This clause relates to the position of cesspools and corresponds to section 304 of the existing Act and also to section 325, in so far as that section relates to cesspools. This clause also introduces provision prohibiting the construction of a cesspool under any building or within a certain distance of a filtered water reservoir outside Calcutta and empowers the Corporation to approve the site of cesspools and to require a cesspool which has been illegally constructed to be removed or filled up.

Clause 282.

This clause corresponds to section 325 of the existing Act in so far as that section relates to receptacles for sewage or offensive matter other than cesspools. This clause, like clause 281, applies also to receptacles situated outside Calcutta.

Clause 286.

This clause corresponds to section 323(1) and (2) of the existing Act, the Corporation taking the place of the General Committee which it is proposed to abolish. The owner of the premises is made liable in all cases.

Clause 287.

This clause amplifies the provisions of section 315 of the existing Act, but is based on the same principle. The use of the words "owner or occupier" throughout Chapter XXI of the existing Act has given rise to difficulties. The work to be carried out is practically in every case work which should be carried out and paid for by the owner. It is, however, frequently very difficult to serve a requisition on, or enforce it against, the owner, and notices are therefore often served on the occupier who has to bear the cost of the work. This is inequitable. The proviso enables the occupier to recover from the owner expenses reasonably incurred by him on behalf of the owner.

Clause 288.

This clause introduces new provisions, based on section 260 of the City of Bombay Municipal Act, 1888, and is intended to strengthen the hands of the Corporation in an emergency. *Sub-clause (2)* empowers the Corporation to bear the expenses, in any suitable case, of work undertaken in these circumstances. Bom. Act III of 1888.

CHAPTER XIX.

Clause 290.

This clause reproduces the provisions of section 329 of the existing Act, but the condition as to publication within two months has not been included as it is spent.

Clause 293.

Sub-clause (1) corresponds to section 332 (1) of the existing Act with a new provision introduced to cover every kind of work done in connection with underground drains.

Clause 294.

This clause corresponds to section 333 of the existing Act. The special provisions in sub-section (2) of that section have not been included in the Bill as they are unnecessary, the Corporation being given a general power to prescribe fees for licensed plumbers for work done.

CHAPTER XX.

Clause 297.

Sub-clause (2) introduces provisions expressly empowering the Corporation to name public streets, as the provisions of section 348 of the existing Act have been relegated to a Schedule.

Clause 299.

This clause corresponds to section 338 of the existing Act, but provision has been made for oiling streets; and the provisions of sub-section (2) of that section have not been included as it has never been found necessary to resort to them in practice and as it is proposed to abolish the General Committee.

Clause 300.

This clause merely provides the authority necessary to give effect to the provisions of Schedule XIV, to which several sections of this chapter have been transferred.

Clause 301.

It has been held that platforms, verandahs and other projections are not "fixtures" within the meaning of section 341 of the existing Act, but "portions of the building" itself. The proposed amendments are intended to meet this difficulty.

Clause 302.

This clause reproduces section 342 of the existing Act, but makes the offender specifically liable, notwithstanding his liability to be prosecuted to pay such expenses as may be incurred by the Corporation in the removal of the obstructions in a public street.

Clause 303.

This clause corresponds to section 350 of the existing Act, but gives the Corporation power to prescribe both a "building-line" and a "street alignment" for any public street.

Clause 304.

This clause, which corresponds to section 351 of the existing Act, has been modified on the lines of the Calcutta Improvement Act, 1911, as amended by the amending Act of 1915. Ben. Act V of 1911.

Clause 305.

This clause corresponds to section 352 of the existing Act, but gives power to the Corporation to take possession of any land not covered by buildings which is situated within a prescribed street-alignment.

Clause 308.

This clause reproduces the provisions of section 355 of the existing Act, but permits the alternative course of providing proper means of access for persons affected by the closing of a street.

Clause 309.

This clause corresponds to section 356 of the existing Act. Proviso (b) introduces provisions the effect of which will be to keep the lines of masonry buildings on both sides of a projected street forty feet apart, though the street itself may be less than forty feet wide, thus facilitating the future widening of streets.

Clause 310.

By this clause the provisions of clause 304 are made applicable, so far as may be, to public streets projected under clause 309.

Clause 311.

This clause reproduces the provisions of section 357 (1) and (2) of the existing Act. The provisions of that section relating to abandonment of acquisition have not been included since new provisions dealing with the same subject have been introduced in clauses 312, 313 and 314.

Clauses 312, 313 and 314.

These clauses, which are on exactly the same lines as sections 78, 79 and 80, respectively, of the Calcutta Improvement Act, 1911, correspond to the provisions of sub-section (2), proviso, and sub-sections (3) to (6) of section 357 of the existing Act. They follow the same principle as the existing law, but definitely lay down the procedure for the abandonment of acquisition of any land in consideration of special payment, for the recovery of money so payable and for the acquisition of the same land by a fresh declaration. Ben. Act V
1911.

Clause 315.

This clause corresponds to section 358 of the existing Act. It is intended to help owners who wish to lay out private streets, but it is thought desirable that the Corporation should have power to compel owners to widen a street to the full width of forty feet.

Clause 318.

This clause reproduces section 361 of the present Act. The owner of a private street which is to be treated as provided in this clause is now among the persons who may be required to deal with the street in accordance with the requisition to be served hereunder.

Clause 319.

This clause corresponds to section 362 of the existing Act, but amalgamates the provisions of sub-sections (1) and (2) of that section. It requires the consent of a bare majority (instead of three-fourths) of the owners of buildings situated in a private street, or of the owners of the street or the owners or occupiers who have paid for the levelling, etc., of the street, before the Corporation may declare the same to be a private street.